



ಕರ್ನಾಟಕ ರಾಜ್ಯಾಧ್ಯಾತ್ಮ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ - ೧೫೬
Volume - 156

ಬೆಂಗಳೂರು, ಗುಡುವಾರ, ೨೮, ಜನವರಿ, ೨೦೨೧(ಮಾಸ, ೦೮, ಶಕವರ್ಷ ೧೯೪೨)
Bengaluru, THURSDAY, 28, JANUARY, 2021(MAGHA,08, ShakaVarsha 1942)

ಸಂಚಿಕೆ ೦೪
Issue 04

ବାଗ ୪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ
ಮನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಪುಟ: ಸಂಪುಟಾಂಶ 09 ಕೇಂದ್ರ 2020 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 31.03.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ

Part-II-Section-1ರಲ್ಲಿ ಪಕ್ಷಪಾದ THE TAXATION AND OTHER LAWS

(RELAXATION OF CERTAIN PROVISIONS) ORDINANCE, 2020 (NO. 02 OF

2020) അനു സാവധനികർ മാർത്തിനാ ക്നാഫ്റ്റ് രാജ്യപ്രദല്ലീ മരു

ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

राजस्वी सं. दी. एल—(ए)04/0007/2003—20

REGISTERED NO. DL—(N)04/0007/2003—20



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-31032020-218979
CG-DL-E-31032020-218979

असाधारण
EXTRAORDINARY
भाग II — छण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं 21] नई दिल्ली, मंगलवार, मार्च 31, 2020/चैत्र 11, 1942 (शक)
No. 21] NEW DELHI, TUESDAY, MARCH 31, 2020/CHAITRA 11, 1942 (SAKA)

इस भाग में अलग संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 31st March, 2020/Chaitra 11, 1942 (Saka)

THE TAXATION AND OTHER LAWS (RELAXATION OF CERTAIN PROVISIONS) ORDINANCE, 2020

No. 2 of 2020

Promulgated by the President in the Seventy-first Year of the Republic of India.

An Ordinance to provide relaxation in the provisions of certain Acts and for matters connected therewith or incidental thereto.

WHEREAS, in view of the spread of pandemic COVID-19 across many countries of the world including India, causing immense loss to the lives of people, it has become imperative to relax certain provisions, including extension of time limit, in the taxation and other laws;

AND WHEREAS, Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: -

CHAPTER I

PRELIMINARY

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| <p>Short title and commencement.</p> <p>Definitions.</p> | <p>1. (1) This Ordinance may be called the Taxation and Other Laws (Relaxation of Certain Provisions) Ordinance, 2020.</p> <p>(2) Save as otherwise provided, it shall come into force at once.</p> <p>2. (1) In this Ordinance, unless the context otherwise requires, -</p> <p>(a) "specified Act" means-</p> <ul style="list-style-type: none"> (i) the Wealth-tax Act, 1957; 27 of 1957. (ii) the Income-tax Act, 1961; 43 of 1961. (iii) the Prohibition of <i>Benami</i> Property Transactions Act, 1988; 45 of 1988. (iv) Chapter VII of the Finance (No. 2) Act, 2004; 22 of 2004. (v) Chapter VII of the Finance Act, 2013; 17 of 2013. (vi) the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015; 22 of 2015. (vii) Chapter VIII of the Finance Act, 2016; or 28 of 2016. (viii) the Direct Tax <i>Vivad se Vishwas</i> Act, 2020; 3 of 2020. <p>(b) "notification" means the notification published in the Official Gazette.</p> <p>(2) The words and expressions used herein and not defined, but defined in the specified Act, the Central Excise Act, 1944, the Customs Act, 1962, the Customs Tariff Act, 1975 or the Finance Act, 1994, as the case may be, shall have the meaning respectively assigned to them in that Act.</p> |
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CHAPTER II

RELAXATION OF CERTAIN PROVISIONS OF SPECIFIED ACT

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|--|---|
| <p>Relaxation of certain provisions of specified Act.</p> | <p>3. (1) Where, anytime limit has been specified in, or prescribed or notified under, the specified Act which falls during the period from the 20th day of March, 2020 to the 29th day of June, 2020 or such other date after the 29th day of June, 2020 as the Central Government may, by notification, specify in this behalf, for the completion or compliance of such action as-</p> <p>(a) completion of any proceeding or passing of any order or issuance of any notice, intimation, notification, sanction or approval or such other action, by whatever name called, by any authority, commission or tribunal, by whatever name called, under the provisions of the specified Act; or</p> |
|--|---|

(b) filing of any appeal, reply or application or furnishing of any report, document, return, statement or such other record, by whatever name called, under the provisions of the specified Act; or

43 of 1961.

(c) in case where the specified Act is the Income-tax Act, 1961,-

(i) making of investment, deposit, payment, acquisition, purchase, construction or such other action, by whatever name called, for the purposes of claiming any deduction, exemption or allowance under the provisions contained in-

(I) sections 54 to 54GB or under any provisions of Chapter VI-A under the heading "B.—Deductions in respect of certain payments" thereof; or

(II) such other provisions of that Act, subject to fulfillment of such conditions, as the Central Government may, by notification, specify; or

28 of 2005.

(ii) beginning of manufacture or production of articles or things or providing any services referred to in section 10AA of that Act, in a case where the letter of approval, required to be issued in accordance with the provisions of the Special Economic Zones Act, 2005, has been issued on or before the 31st day of March, 2020,

and where completion or compliance of such action has not been made within such time, then, the time limit for completion or compliance of such action shall, notwithstanding anything contained in the specified Act, stand extended to the 30th day of June, 2020, or such other date after the 30th day of June, 2020, as the Central Government may, by notification, specify in this behalf:

Provided that the Central Government may specify different dates for completion or compliance of different actions.

Provided further that such action shall not include payment of any amount as is referred to in sub-section (2).

(2) Where any due date has been specified in, or prescribed or notified under, the specified Act for payment of any amount towards tax or levy, by whatever name called, which falls during the period from the 20th day of March, 2020 to the 29th day of June, 2020 or such other date after the 29th day of June, 2020 as the Central Government may, by notification, specify in this behalf, and such amount has not been paid within such date, but has been paid on or before the 30th day of June, 2020, or such other date after the 30th day of June, 2020 as the Central Government may, by notification,

specify in this behalf, then, notwithstanding anything contained in the specified Act,-

- (a) the rate of interest payable, if any, in respect of such amount for the period of delay shall not exceed three-fourth per cent, for every month or part thereof;
- (b) no penalty shall be levied and no prosecution shall be sanctioned in respect of such amount for the period of delay.

Explanation.- For the purposes of this sub-section, “the period of delay” means the period between the due date and the date on which the amount has been paid.

CHAPTER III

AMENDMENT TO THE INCOME-TAX ACT, 1961

Amendment of sections 10 and 80G of Act 43 of 1961. 4. In the Income-tax Act, 1961, with effect from the 1st day of April, 43 of 1961. 2020,-

- (i) in section 10, in clause (23C), in sub-clause (i), after the word “Fund”, the words and brackets “or the Prime Minister’s Citizen Assistance and Relief in Emergency Situations Fund (PM CARES FUND)” shall be inserted;
- (ii) in section 80G, in sub-section (2), in clause (a), in sub-clause (iiiia), after the word “Fund”, the words and brackets “or the Prime Minister’s Citizen Assistance and Relief in Emergency Situations Fund (PM CARES FUND)” shall be inserted.

CHAPTER IV

AMENDMENTS TO THE DIRECT TAX VIVAD SE VISHWAS ACT

Amendment of section 3 of Act 3 of 2020. 5. In section 3 of the Direct Tax Vivad Se Vishwas Act, 2020, -

- (a) in third column, in the heading, for the figures, letters and words “31st day of March, 2020”, the figures, letters and words “30th day of June, 2020” shall be substituted;
- (b) in fourth column, in the heading, for the figures, letters and words “1st day of April, 2020”, the figures, letters and words “1st day of July, 2020” shall be substituted.

CHAPTER V

RELAXATION OF TIME LIMIT UNDER CERTAIN INDIRECT TAX LAWS

Relaxation of time limit under Central Excise Act, 1944, 6. Notwithstanding anything contained in the Central Excise Act, 1944, the Customs Act, 1962 (except sections 30, 30A, 41, 41A,

1 of 1944.
52 of 1962.

Customs Act, 1962, Customs Tariff Act, 1975 and Finance Act, 1994.

46 and 47), the Customs Tariff Act, 1975 or Chapter V of the Finance Act, 1994, as it stood prior to its omission *vide* section 173 of the Central Goods and Service Tax Act, 2017 with effect from the 1st day of July, 2017, the time limit specified in, or prescribed or notified under, the said Acts which falls during the period from the 20th day of March, 2020 to the 29th day of June, 2020 or such other date after the 29th day of June, 2020 as the Central Government may, by notification, specify, for the completion or compliance of such action as—

51 of 1975
32 of 1994.

(a) completion of any proceeding or issuance of any order, notice, intimation, notification or sanction or approval, by whatever name called, by any authority, commission, tribunal, by whatever name called; or

(b) filing of any appeal, reply or application or furnishing of any report, document, return or statement, by whatever name called,

shall, notwithstanding that completion or compliance of such action has not been made within such time, stand extended to the 30th day of June, 2020 or such other date after the 30th day of June, 2020 as the Central Government may, by notification, specify in this behalf:

Provided that the Central Government may specify different dates for completion or compliance of different actions under clause (a) or clause (b).

CHAPTER VI

AMENDMENT TO THE FINANCE ACT (NO. 2), 2019

7. In section 127 of the Finance Act (No.2), 2019, -

Amendment of
section 127 of
Act 23 of 2019.

(i) in sub-section (1), for the words “within a period of sixty days from the date of receipt of the said declaration”, the words, figures and letters “on or before the 31st day of May, 2020” shall be substituted;

(ii) in sub-section (2), for the words “within thirty days of the date of receipt of the declaration”, the words, figures and letters “on or before the 1st day of May, 2020” shall be substituted;

(iii) in sub-section (4), for the words “within a period of sixty days from the date of receipt of the declaration”, the words, figures and letters “on or before the 31st day of May, 2020” shall be substituted;

(iv) in sub-section (5), for the words “within a period of thirty days from the date of issue of such statement”, the words, figures

and letters “on or before the 30th day of June, 2020” shall be substituted.

CHAPTER VII

AMENDMENT TO THE CENTRAL GOODS AND SERVICES TAX ACT, 2017

Insertion of new section 168A in Act 12 of 2017.

Power of Government to extend time limit in special circumstances.

8. After section 168 of the Central Goods and Services Tax Act, 2017, the following section shall be inserted, namely:-

‘168A. (1) Notwithstanding anything contained in this Act, the Government may, on the recommendations of the Council, by notification, extend the time limit specified in, or prescribed or notified under, this Act in respect of actions which cannot be completed or complied with due to *force majeure*.

(2) The power to issue notification under sub-section (1) shall include the power to give retrospective effect to such notification from a date not earlier than the date of commencement of this Act.

Explanation.— For the purposes of this section, the expression “*force majeure*” means a case of war, epidemic, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature or otherwise affecting the implementation of any of the provisions of this Act.’.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕನಾರ್ಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ್)
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿರ್ವಹಿತ
ಸರ್ಕಾರದ ಅಧಿನೇ ಕಾರ್ಯದಶೀಲ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಮತ್ತು
ಶಾಸನ ರಚನೆ ಜಿಳಿಾಖಳಿ

PR-26

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂಖ್ಯಾತಾಜಿ 12 ಕೇಂದ್ರ 2020 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 22.04.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE EPIDEMIC DISEASES (AMENDMENT) ORDINANCE, 2020 (NO. 05 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕನಾಡಟಿಕ ರಾಜ್ಯಪಾತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

राजस्ट्री सं. डॉ. एल—(ए)04/0007/2003—20

REGISTERED NO. DL—(N)04/0007/2003—20



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-आ.-22042020-219108
CG-DL-E-22042020-219108

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 25] नई दिल्ली, बुधवार, अप्रैल 22, 2020/वैशाख 2, 1942 (शक)
No. 25] NEW DELHI, WEDNESDAY, APRIL 22, 2020/VAISAKHA 2, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 22nd April, 2020/Vaisakha 2, 1942 (Saka)*THE EPIDEMIC DISEASES (AMENDMENT)
ORDINANCE, 2020

No. 5 OF 2020

Promulgated by the President in the Seventy-first Year
of the Republic of India.

An ordinance further to amend the Epidemic Diseases
Act, 1897.

WHEREAS Parliament is not in session and the
President is satisfied that circumstances exist which
render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers
conferred by clause (1) of article 123 of the Constitution,
the President is pleased to promulgate the following
Ordinance:—

	1. (1) This Ordinance may be called the Epidemic Diseases (Amendment) Ordinance, 2020.	Short title and commencement.
	(2) It shall come into force at once.	
3 of 1897.	2. In section 1 of the Epidemic Diseases Act, 1897 (hereinafter referred to as the principal Act), in subsection (2), the words "except the territories which, immediately before the 1st November, 1956, were comprised in Part B States" shall be omitted.	Amendment of section 1.
	3. After section 1 of the principal Act, the following section shall be inserted, namely:-	Insertion of new section 1A.
	<p>'1A. In this Act, unless the context otherwise requires,—</p> <p>(a) "act of violence" includes any of the following acts committed by any person against a health care service personnel serving during an epidemic, which causes or may cause—</p> <ul style="list-style-type: none"> (i) harassment impacting the living or working conditions of such healthcare service personnel and preventing him from discharging his duties; (ii) harm, injury, hurt, intimidation or danger to the life of such healthcare service personnel, either within the premises of a clinical establishment or otherwise; (iii) obstruction or hindrance to such healthcare service personnel in the discharge of his duties, either within the premises of a clinical establishment or otherwise; or (iv) loss or damage to any property or documents in the custody of, or in relation to, such healthcare service personnel; <p>(b) "healthcare service personnel" means a person who while carrying out his duties in relation to epidemic related responsibilities, may come in direct contact with affected patients and thereby is at the risk of being impacted by such disease, and includes—</p> <ul style="list-style-type: none"> (i) any public and clinical healthcare provider such as doctor, nurse, paramedical worker and community health worker; (ii) any other person empowered under the Act to take measures to prevent the outbreak of the 	Definitions.

disease or spread thereof; and

(iii) any person declared as such by the State Government, by notification in the Official Gazette;

(c) "property" includes—

(i) a clinical establishment as defined in the Clinical Establishments (Registration and Regulation) Act, 2010;

(ii) any facility identified for quarantine and isolation of patients during an epidemic;

(iii) a mobile medical unit; and

(iv) any other property in which a healthcare service personnel has direct interest in relation to the epidemic;

(d) the words and expressions used herein and not defined, but defined in the Indian Ports Act, 1908, the Aircraft Act, 1934 or the Land Ports Authority of India Act, 2010, as the case may be, shall have the same meaning as assigned to them in that Act.'

15 of 1908.

22 of 1934.

31 of 2010.

4. In section 2A of the principal Act, for the portion beginning with the words "the Central Government may take measures" and ending with the words "as may be necessary", the following shall be substituted, namely:—

"the Central Government may take such measures, as it deems fit and prescribe regulations for the inspection of any bus or train or goods vehicle or ship or vessel or aircraft leaving or arriving at any land port or port or aerodrome, as the case may be, in the territories to which this Act extends and for such detention thereof, or of any person intending to travel therein, or arriving thereby, as may be necessary".

5. After section 2A of the principal Act, the following section shall be inserted, namely:—

"2B. No person shall indulge in any act of violence against a healthcare service personnel or cause any damage or loss to any property during an epidemic.".

Amendment of
section 2A.

Insertion of new
section 2B.

Prohibition of
violence against
health care
service
personnel and
damage to
property.

6. Section 3 of the principal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so

Amendment of
section 3.

renumbered, the following sub-sections shall be inserted, namely:—

“(2) Whoever, —

(i) commits or abets the commission of an act of violence against a healthcare service personnel; or

(ii) abets or causes damage or loss to any property,

shall be punished with imprisonment for a term which shall not be less than three months, but which may extend to five years, and with fine, which shall not be less than fifty thousand rupees, but which may extend to two lakh rupees.

(3) Whoever, while committing an act of violence against a healthcare service personnel, causes grievous hurt as defined in section 320 of the Indian Penal Code to such person, shall be punished with imprisonment for a term which shall not be less than six months, but which may extend to seven years and with fine, which shall not be less than one lakh rupees, but which may extend to five lakh rupees.”.

45 of 1860.

7. After section 3 of the principal Act, the following sections shall be inserted, namely:—

2 of 1974.

‘3A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,-

Insertion of new sections 3A, 3B 3C, 3D and 3E.

Cognizance, investigation and trial of offences.

(i) an offence punishable under sub-section (2) or sub-section (3) of section 3 shall be cognizable and non-bailable;

(ii) any case registered under sub-section (2) or sub-section (3) of section 3 shall be investigated by a police officer not below the rank of Inspector;

(iii) investigation of a case under sub-section (2) or sub-section (3) of section 3 shall be completed within a period of thirty days from the date of registration of the First Information Report;

(iv) in every inquiry or trial of a case under sub-section (2) or sub-section (3) of section 3, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of

the same beyond the following day to be necessary for reasons to be recorded, and an endeavour shall be made to ensure that the inquiry or trial is concluded within a period of one year:

Provided that where the trial is not concluded within the said period, the Judge shall record the reasons for not having done so:

Provided further that the said period may be extended by such further period, for reasons to be recorded in writing, but not exceeding six months at a time.

3B. Where a person is prosecuted for committing an offence punishable under sub-section (2) of section 3, such offence may, with the permission of the Court, be compounded by the person against whom such act of violence is committed.

Composition of certain offences.

3C. Where a person is prosecuted for committing an offence punishable under sub-section (3) of sections 3, the Court shall presume that such person has committed such offence, unless the contrary is proved.

Presumption as to certain offences.

3D. (1) In any prosecution for an offence under sub-section (3) of section 3 which requires a culpable mental state on the part of the accused, the Court shall presume the existence of such mental state, but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Presumption of culpable mental state.

(2) For the purposes of this section, a fact is said to be proved only when the Court believes it to exist beyond reasonable doubt and not merely when its existence is established by a preponderance of probability.

Explanation.—In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the belief in, or reason to believe, a fact.

3E.(1) In addition to the punishment provided for an offence under sub-section (2) or sub-section (3) of section 3, the person so convicted shall also be liable to pay, by way of compensation, such amount, as may be determined by the Court for causing hurt or grievous hurt to any healthcare service personnel.

Compensation for acts of violence.

(2) Notwithstanding the composition of an offence under section 3B, in case of damage to any property or

loss caused, the compensation payable shall be twice the amount of fair market value of the damaged property or the loss caused, as may be determined by the Court.

(3) Upon failure to pay the compensation awarded under sub-sections (1) and (2), such amount shall be recovered as an arrear of land revenue under the Revenue Recovery Act, 1890.'

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪಾರ್ಲಾಪಕಾರ ಮತ್ತು ಪದನಿಯಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದಲ್ಲಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-27

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂಖ್ಯಾಂಶ 13 ಕೇಶಾಪ್ 2020

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 24.04.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಲಿಫೆ ಸಂಚಿಕೆಯ
Part-II-Section-1ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE HOMOEOPATHY CENTRAL COUNCIL
(AMENDMENT) ORDINANCE, 2020 (NO. 06 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ
ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-आ.-24042020-219143
CG-DL-E-24042020-219143

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 32] नई दिल्ली, शुक्रवार, अप्रैल 24, 2020/वैशाख 4, 1942 (शक)
No. 32] NEW DELHI, FRIDAY, APRIL 24, 2020/VAISAKHA 4, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 24th April, 2020/Vaisakha 4, 1942 (Saka)***THE HOMOEOPATHY CENTRAL COUNCIL (AMENDMENT)
ORDINANCE, 2020**

No. 6 OF 2020

Promulgated by the President in the Seventy-first Year of the Republic of India.

An ordinance further to amend the Homoeopathy Central Council Act, 1973.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

- | | |
|---|-------------------------------|
| 1. (1) This ordinance may be called the Homoeopathy Central Council (Amendment) Ordinance, 2020.
(2) It shall come into force at once. | Short title and commencement. |
|---|-------------------------------|

59 of 1973. 2. In section 3A of the Homoeopathy Central Council Amendment of section
Act, 1973, in sub-section (2), for the words "within a period 3A.
of two years", the words "within a period of three years"
shall be substituted.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕನಾರ್ಕ ರಾಜ್ಯಪತ್ರ ಆಧೀಕ್ಣಿಕ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪಾರ್ಲಾಪಕಾರ ಮತ್ತು ಪದನಿಯಿತ
ಸರ್ಕಾರದ ಅಧೀಕ್ಣಿಕ ಸಂಸಾರ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-28

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾತಾಷ್ಟ 14 ಕೇಂದ್ರಾಷ್ಟ್ರ 2020

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 24.04.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಏಂಎಫ್ ಸಂಚಿಕೆಯ
Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE INDIAN MEDICINE CENTRAL
COUNCIL (AMENDMENT) ORDINANCE, 2020 (NO. 07 OF 2020) ರ
ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕನಾರ್ಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का यजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-24042020-219138
CG-DL-E-24042020-219138

असाधारण

EXTRAORDINARY

भाग II --- खण्ड 1

PART II — Section I

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 31] नई दिल्ली, शुक्रवार, अप्रैल 24, 2020/वैशाख 4, 1942 (शक)
No. 31] NEW DELHI, FRIDAY, APRIL 24, 2020/VAISAKHA 4, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 24th April, 2020/Vaisakha 4, 1942 (Saka)***THE INDIAN MEDICINE CENTRAL COUNCIL****(AMENDMENT) ORDINANCE, 2020**

No. 7 OF 2020

Promulgated by the President in the Seventy-first Year of the Republic of India.

An ordinance further to amend the Indian Medicine Central Council Act, 1970.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

- | | |
|---|-------------------------------|
| 1. (1) This ordinance may be called the Indian Medicine Central Council (Amendment) Ordinance, 2020.

(2) It shall come into force at once. | Short title and commencement. |
|---|-------------------------------|

48 of 1970.

2. In the Indian Medicine Central Council Act, 1970, after section 3, the following sections shall be inserted, namely:-

Insertion of new sections 3A, 3B and 3C.

"3A.(1) On and from the date of commencement of the Indian Medicine Central Council (Amendment) Ordinance, 2020, the Central Council shall stand superseded and the President, Vice-President and other members of the Central Council shall vacate their offices and shall have no claim for any compensation, whatsoever.

Power of Central Government to supersede the Central Council and constitute Board of Governors.

(2) The Central Council shall be reconstituted in accordance with the provisions of section 3 within a period of one year from the date of supersession of the Central Council under sub-section (1).

(3) Upon supersession of the Central Council under sub-section (1) and until a new Council is constituted in accordance with the provisions of section 3, the Board of Governors constituted under sub-section (4) shall exercise the powers and perform the functions of the Central Council under this Act.

(4) The Central Government shall, by notification in the Official Gazette, constitute the Board of Governors which shall consist of not more than ten persons as its members, who shall be persons of eminence and of unimpeachable integrity in the fields of Indian Medicine and Indian Medicine education and eminent administrators, and who may be either nominated members or *ex officio* members, to be appointed by the Central Government, one of whom shall be selected by the Central Government as the Chairperson of the Board of Governors.

(5) The Chairperson and other members, other than *ex officio* members, shall be entitled to such sitting fee and travelling and other allowances as may be determined by the Central Government.

(6) The Board of Governors shall meet at such time and such place and shall observe such rules of procedure in regard to the transaction of business at its meetings, as is applicable to the Council.

(7) Two-third of the members of the Board of Governors shall constitute the quorum of its meetings.

(8) No act or proceedings of the Board of Governors shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board of Governors; or

(b) any irregularity in the procedure of the Board of

Governors not affecting the merits of the case.

(9) A member having any financial or other interest in any matter coming before the Board of Governors for its decision shall disclose his interest in such matter before he may, if allowed by the Board of Governors, participate in such proceedings.

(10) The Chairperson and other members of the Board of Governors shall hold office during the pleasure of the Central Government.

3B. During the period when the Central Council stands superseded,—

Certain modifications of Act.

(a) the provisions of the Act shall be construed as if for the words "Central Council", the words "Board of Governors" were substituted;

(b) the Board of Governors shall exercise the powers and discharge the functions of the Council under this Act and for this purpose, the provisions of this Act shall have effect subject to the modification that references therein to the Central Council shall be construed as references to the Board of Governors;

3C. (1) Without prejudice to the provisions of this Act, the Board of Governors or the Central Council after its reconstitution shall, in exercise of its powers and in the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time:

Power of Central Government to give directions.

Provided that the Board of Governors or the Council after its reconstitution shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is a matter of policy or not shall be final.”.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪೊಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರ್ಥಕಾರ ಮತ್ತು ಪದ್ಧತಿಯಲ್ಲಿ
ಸರ್ಕಾರದ ಅಧಿಕ್ಷೇತ ಕಾರ್ಯದಲ್ಲಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-29

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾತಾಜ 16 ಕೇಂದ್ರಾಪ್ಯ 2020

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 25.03.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಲಿಂಗೇಷ್ಟ್ ಸಂಚಿಕೆಯ
Part-II-Section-1ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE CENTRAL SANSKRIT UNIVERSITIES ACT,
2020 (NO. 05 OF 2020) ಅನ್ನ ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ
ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का याजपत्र

The Gazette of India

सी.जी.-डी.एल.-आ.-25032020-218916
CG-DL-E-25032020-218916

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 13]

नई दिल्ली, बुधवार, मार्च 25, 2020/चैत्र 5, 1942 (शक)

No. 13]

NEW DELHI, WEDNESDAY, MARCH 25, 2020/CHAITRA 5, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 25th March, 2020/Chaitra 5, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 25th March, 2020, and is hereby published for general information:—

THE CENTRAL SANSKRIT UNIVERSITIES ACT, 2020

No. 5 OF 2020

[25th March, 2020.]

An Act to establish and incorporate Universities for teaching and research in Sanskrit, to develop all-inclusive Sanskrit promotional activities and to provide for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Sanskrit Universities Act, 2020. Short title and commencement.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, and in all Statutes made hereunder, unless the context otherwise requires,— Definitions.

(a) "Academic Council" means the Academic Council of the University;

- (b) "academic staff" means such categories of staff as are designated as academic staff by the Statutes and Ordinances made thereunder;
- (c) "Board of Studies" means the Board of Studies of a Department of the University;
- (d) "Campus" means any unit established or constituted by the University at any place within or outside India for making arrangements for instruction, research, education and training in Sanskrit and includes an existing Campus established by the University prior to the commencement of this Act;
- (e) "Chancellor" and "Vice-Chancellor" mean, respectively, the Chancellor and the Vice-Chancellor of the University;
- (f) "College" means a College recognised or affiliated or maintained by the University;
- (g) "corresponding University" and "deemed to be University", in relation to the society known as—
- (i) the Rashtriya Sanskrit Sansthan, New Delhi, mean the Rashtriya Sanskrit Sansthan, New Delhi established in the year 1970 which has been conferred the status of deemed to be University in the year 2002;
- (ii) Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth, New Delhi, mean Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth, New Delhi established in the year 1962 which has been conferred the status of deemed to be University in the year 1987;
- (iii) the Rashtriya Sanskrit Vidyapeeth, Tirupati, mean the Rashtriya Sanskrit Vidyapeeth, Tirupati established in the year 1961 which has been conferred the status of deemed to be University in the year 1987;
- (h) "Court" means the Court of the University;
- (i) "Department" means a Department of Studies and includes a Centre of Studies;
- (j) "Director" means the Head of a Campus or of a distance education system of the University or of any other academic branch of studies as approved by the Executive Council and prescribed by the Statutes;
- (k) "distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, internet, correspondence course, seminar, contact programme, non-formal pattern or a combination of any two or more such means, except the regular system of education;
- (l) "employee" means any person appointed by the University on regular basis and includes teaching and non-teaching staff, but does not include an employee of any institution or college or school getting grant-in-aid to any extent whatsoever, or affiliated or recognised, by the University;
- (m) "Executive Council" means the Executive Council of the University;
- (n) "Faculty" means a faculty of the University;
- (o) "Hall" means a unit of residence or of corporate life, being hostel or otherwise, for the students, authorities, officers and employees of the University, or of a Campus or College or Institution or Centre or Department, maintained or authorised by the University;
- (p) "Institution" means an academic institution, not being a Campus or College established or maintained or affiliated or recognised by the University;

(q) "Principal" means the Head of a College or School or an Institution established or maintained by the University;

(r) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force;

(s) "Sanskrit" means the Sanskrit language, in modern, classical or ancient form, and the knowledge available therein or related thereto, in addition to Sanskrit language;

(t) "Schedule" means a Schedule appended to this Act;

(u) "School" means a School recognised or affiliated or maintained by the University for secondary, primary and elementary levels or equivalent thereto;

(v) "School of Studies" means a School of Studies of the University;

(w) "Society" means any of the following societies registered under the Societies Registration Act, 1860, namely:—

(i) the Rashtriya Sanskrit Sansthan, New Delhi (Registration No. S/4694 of 1970-71);

(ii) Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth, New Delhi (Registration No. S17454 of 1987);

(iii) the Rashtriya Sanskrit Vidyapeeth, Tirupati (Registration No. 345 of 1986);

(x) "Statutes" and "Ordinances" mean, respectively, the Statutes and the Ordinances of the University for the time being in force;

(y) "teachers of the University" means Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instructions or conducting research in the University or in any College or Institution maintained by the University and are designated as teachers by the Ordinances, but does not include the teaching staff of an institution or a college or school getting grant-in-aid to any extent whatsoever, or affiliated or recognised, by the University;

(z) "University" means a University established and incorporated as a University under this Act.

3. (1) The following deemed to be Universities shall be established as three separate Central Universities as under:

Establishment
of
Universities.

(a) the Rashtriya Sanskrit Sansthan, New Delhi, along with its campuses as specified in the First Schedule, shall be established as a body corporate under this Act by the name of "the Central Sanskrit University", which shall have its headquarters in New Delhi;

(b) Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth, New Delhi shall be established as a body corporate under this Act by the name of "Shri Lal Bahadur Shastri National Sanskrit University", which shall have its headquarters in New Delhi;

(c) the Rashtriya Sanskrit Vidyapeeth, Tirupati shall be established as a body corporate under this Act by the name of "the National Sanskrit University", which shall have its headquarters in Tirupati.

(2) The Chancellor, the Vice-Chancellor and the members of the Executive Council and of the Academic Council of each University, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the University.

(3) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

Effect of establishment of University.

4. On and from the date of commencement of this Act,—

(a) the societies, namely, the Rashtriya Sanskrit Sansthan, New Delhi, Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapeeth, New Delhi and the Rashtriya Sanskrit Vidyapeeth, Tirupati shall stand dissolved;

(b) any reference to a society or to a deemed to be University in any law (other than this Act) or in any contract or other instrument shall be deemed as a reference to the corresponding University established and incorporated under this Act;

(c) all properties, movable and immovable, of or belonging to a society or to a deemed to be University shall vest in the corresponding University established and incorporated under this Act;

(d) all rights and liabilities of a society or of a deemed to be University shall be transferred to, and be the rights and liabilities of, the corresponding University established and incorporated under this Act;

(e) every person employed by a society or a deemed to be University immediately before such commencement shall hold his office or service in the corresponding University established and incorporated under this Act, by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as they would have held the same if this Act had not been enacted and shall continue to do so unless and until their employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Executive Council or the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the University in accordance with the term of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the University of compensation equivalent to three months' remuneration in case of permanent employees and one month's remuneration in the case of other employees:

Provided further that every person employed before the commencement of this Act, pending the execution of a contract under section 34, shall be deemed to have been appointed in accordance with the provisions of a contract consistent with the provisions of this Act and the Statutes:

Provided also that any reference, by whatever form of words, to the Vice-Chancellor of a deemed to be University in any law for the time being in force, or in any contract or other document, shall be construed as a reference to the Vice-Chancellor of the corresponding University established and incorporated under this Act;

(f) the Vice-Chancellor of a deemed to be University appointed prior to the commencement of this Act and holding office as such, shall be deemed to have been appointed as the Vice-Chancellor of the corresponding University under this Act;

(g) all Colleges, Institutions, Schools of Studies, and Departments affiliated to, or admitted to the privileges of, or maintained by, the deemed to be University shall stand affiliated to, or admitted to the privilege of, or maintained by, the corresponding University established and incorporated under this Act.

Objects of University.

5. The objects of the University shall be to disseminate and advance knowledge by providing instructional, research and extension facilities to the promotion of Sanskrit Language and such other branches of learning as it may deem fit; to make special provisions for integrated courses in humanities, social sciences and science in its educational programmes; to take appropriate measures for promoting innovations in teaching-learning process and inter-disciplinary studies and research; to educate and train manpower for the overall development, promotion, preservation and research in the field of Sanskrit and Sanskrit traditional subjects.

6. (1) The University shall have the following powers, namely:—

Powers of
University.

- (i) to provide for instructions in such branches of learning including Sanskrit and Sanskrit traditional subjects, as may be specified in the Statute or as may be determined by the University, from time to time, and to make provisions for research and advancement and dissemination of knowledge;
- (ii) to grant, subject to such condition as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on, persons on the basis of examination, evaluation or any other method of testing, and to withdraw any such diplomas, certificate, degrees or other academic distinctions for good and sufficient cause;
- (iii) to organise and undertake extramural studies, training, extension services and such other measures for the promotion of Sanskrit education;
- (iv) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;
- (v) to provide facilities of teaching and learning through the distance education system or online mode, as it may determine;
- (vi) to provide for education not only at University or College level leading to excellence and innovations in various branches of knowledge as may be deemed fit, but continue to provide education to schools already affiliated to the University;
- (vii) to provide facilities for imparting higher education in such branches of learning, including Indian Philosophy, Pali-Prakrit, Sanskrit literature, Yoga, Ayurveda and Naturopathy, as the University may determine;
- (viii) to institute Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons for such Principalships, Professorships, Associate Professorships, Assistant Professorships or other teaching or academic positions;
- (ix) to recognise an institution of higher learning for such purposes as the University may determine and to withdraw such recognition;
- (x) to appoint persons working in any other University or academic institution as teachers of the University in accordance with the Statutes;
- (xi) to create administrative, ministerial and other posts and to make appointments thereto, on regular basis as well as engagement on short-term basis in accordance with the Statutes;
- (xii) to co-operate, collaborate or associate with any other University or authority or institution of higher learning, including those located outside the country, in such manner and for such purposes, as the University may determine;
- (xiii) to establish, maintain, affiliate, recognise Colleges, Institutions and such Centres and specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (xiv) to institute and award fellowships, scholarships, studentships, medals and prizes;
- (xv) to make provision for research and consultancy or advisory services, and for that purpose, to enter into such arrangements with other Universities, Institutions or bodies, as the University may deem necessary;
- (xvi) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic and non-academic staff;
- (xvii) to appoint on contract or otherwise Visiting Professors, Emeritus Professors, Consultants, Professionals, Advocates, Counsels, Specialists and such other persons who may contribute to the advancement of the objects of the University;

- (xviii) to confer autonomous status on a College or an Institution or a Department, as the case may be, in accordance with the Statutes;
- (xix) to determine standards and eligibilities for admission to the University, which may include examination, evaluation or any other method of testing;
- (xx) to demand and receive payment of fees and other charges in accordance with the Statutes;
- (xxi) to supervise or cause to supervise the residences of the staff, faculty and students of the University and to make arrangements for promoting their health and general welfare;
- (xxii) to lay down conditions of service of all categories of employees, including their code of conduct;
- (xxiii) to regulate and enforce discipline among the students and employees of the University, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;
- (xxiv) to make special arrangements in respect of women, children and persons with disability, as the University may consider desirable;
- (xxv) to accept benefactions, donations, gifts in cash or kind for furtherance of the objects of the University, and to acquire, hold and manage and to dispose of with the previous approval of the Central Government, any property, movable or immovable, including trust and endowment properties for the purposes of the University;
- (xxvi) to borrow, with the prior approval of the Central Government, on the security of the property of the University, money for the purpose of the University;
- (xxvii) to establish new Campuses in India and also off-shore campus or Centre of the University with the prior permission of the Central Government as per the procedure established thereof;
- (xxviii) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

(2) In exercising its powers referred to in sub-section (1), it shall be the endeavor of the University to maintain an all-India character and high standards of teaching and research, and the University shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

- (i) admission of students and recruitment of faculty shall be made on all-India basis;
- (ii) admissions of students shall be made on merit, either through Common Entrance Tests conducted individually by the University or in combination with other Universities, or on the basis of marks obtained in the qualifying examination in such courses where the intake of students is small;
- (iii) inter-University mobility of faculty, with portable pensions and protection of seniority, shall be encouraged;
- (iv) semester system, continuous evaluation, choice-based credit system or any other ancient, traditional or modern appropriate system as may be deemed to be fit and proper shall be introduced and the University shall enter into agreements with other Universities and academic institutions for credit transfer and joint degree programmes;
- (v) ancient traditional teaching system including Gurukulas and Vedashalas shall be adopted in such areas and conditions as may be determined by the Executive Council.

7. The University shall be open to all persons of either sex and whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

University to
be open to all
caste, creed,
race or class.

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens, economically weaker section of the unreserved class and other special categories as stipulated by the Central Government from time to time.

8. (1) The President of India shall be the Visitor of the University.

Visitor of
University.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, Colleges, Schools and Institutions maintained by it, and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions, as he considers necessary, in respect of any of the matters dealt with in the report and the University shall abide by such action and be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any Centre, Department, School, College or Institution maintained by the University and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Centre, Department or Institution or affiliated or recognised College or School.

(4) The Visitor shall, in every matter referred to in sub-section (3), give notice of his intention to cause an inspection or inquiry to be made, to the University, and the University shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University or any College or School or Institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with the such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate, to the Executive Council, the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(8) The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(9) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council issue such directions as he may think fit and the Executive Council shall comply with such directions.

(10) Without prejudice to the foregoing provisions of this section, the visitor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, the Statutes or the Ordinances:

Provided that before making any such order, the Visitor shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(II) The Visitor shall have such other powers as may be prescribed by the Statutes.

Officers of University.

9. The following shall be the officers of the University, namely:—

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Deans of School of Studies;
- (4) the Registrar;
- (5) the Finance Officer;
- (6) the Controller of Examinations;
- (7) the Librarian; and

(8) such other officers as may be declared by the Statutes to be the officers of the University.

Chancellor.

10. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the Head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and meetings of the Court.

(3) The Chancellor shall act as an appellate authority in the cases where the Executive Council is the disciplinary authority.

Vice-Chancellor.

11. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decision of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

12. Every Dean of School of Studies shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. Deans of Schools of Studies.

13. (1) The Registrar shall be appointed in such manner, and on such terms and conditions of service, as may be prescribed by the Statutes. Registrar.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University, and shall exercise such other powers and perform such other duties, as may be prescribed by the Statutes.

14. Every Director of the Campus shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. Director of Campus.

15. The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. Finance Officer.

16. The Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. Controller of Examinations.

17. The Librarian shall be appointed in such manner and on such terms and conditions of service and shall exercise such powers and perform such duties as may be prescribed by the Statutes. Librarian.

18. The manner of appointment and powers and duties of other officers of the University shall be as prescribed by the Statutes. Other officers.

19. The following shall be the authorities of the University, namely:— Authorities of University.

- (i) the Court;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Board of Studies;
- (v) the Finance Committee;
- (vi) the Planning and Monitoring Board; and

(vii) such other authorities as may be declared by the Statutes to be authorities of the University.

20. (1) The Constitution of the Court and the term of office of its members shall be as prescribed by the Statutes. The Court.

Provided that such number of members, as may be prescribed by the Statutes, shall be elected from among the teachers, employees and students of the University.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(a) to review, from time to time, the broad policies and programmes of the University, and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(c) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be prescribed by the Statutes.

- Executive Council.**
21. (1) The Executive Council shall be the principal executive body of the University.
 (2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be as prescribed by the Statutes.
- Academic Council.**
22. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.
 (2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be as prescribed by the Statutes.
- Board of Studies.**
23. The constitution, powers and functions of the Board of Studies shall be as prescribed by the Statutes.
- Finance Committee.**
24. The constitutions, powers and functions of the Finance Committee shall be as prescribed by the Statutes.
- Planning and Monitoring Board.**
25. The constitution, powers and functions of the Planning and Monitoring Board shall be as prescribed by the Statutes.
- Other authorities of University.**
26. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be as prescribed by the Statutes.
- Power to make Statutes.**
27. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—
- (a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;
 - (b) the appointment and continuance in office of the members of the said authorities and bodies, the filling of vacancies of members and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;
 - (c) the appointment, powers and duties of the officers of the University and their emoluments;
 - (d) the appointment of teachers, academic staff and other employees of the University, their emoluments and conditions of service;
 - (e) the appointment of teachers and academic staff working in any other University or organisation or institution for a specific period for undertaking a joint project;
 - (f) the conditions of service of employees including provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary actions;
 - (g) the principles governing seniority of service of the employees of the University;
 - (h) the procedure for arbitration in cases of dispute between employees or students and the University;
 - (i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;
 - (j) the conferment of autonomous status on a College or an Institution or a Department or a School or a Centre;
 - (k) the establishment or abolition of Campuses, Colleges, Institutions, Schools, Centres or Halls;

- (l) the conferment of honorary degrees;
- (m) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (n) the management of Colleges and Institutions established by the University;
- (o) the delegation of powers vested in the authorities or officers of the University;
- (p) the maintenance of discipline among the employees and students; and
- (q) all other matters which by this Act are to be, or may be, provided for by the Statutes.

28. (1) The First Statutes are those set out in the Second Schedule.

Statutes, how
to be made.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for reconsideration.

(4) A new Statute or a Statute amending or repealing existing Statutes shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years, make within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

(6) Notwithstanding anything contained in this section, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

29. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

Power to
make
Ordinances.

- (a) the admission of students to the University and their enrolment as such;
- (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
- (c) the medium of instruction and examination;
- (d) the award of degrees (including Honorary degrees), diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
- (e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, diplomas and certificates of the University;
- (f) the conditions for the award of fellowship, scholarships, studentships, medals and prizes;

- (g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
- (h) the conditions of residence of the students, classrooms, laboratories, libraries, auditoriums, playgrounds and other amenities of the University;
- (i) the special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them;
- (j) the establishment of Centres of Studies, Boards of Studies, Inter-disciplinary Studies, Special Centres, Specialised Laboratories and other Committees;
- (k) the manner of co-operation and collaboration with other Universities, institutions, and other agencies including learned bodies or associations;
- (l) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (m) the institution of fellowships, scholarships, studentships, medals and prizes;
- (n) the setting up of machinery for redressal of grievances of employees and students;
- (o) all other matters which by this Act, or the Statutes, are to be, or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Executive Council and the Ordinances so made may also be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

Regulations.

30. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Annual report.

31. (1) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

(2) The Court shall submit the annual report, along with its comments, if any, to the Visitor.

(3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both the Houses of Parliament.

Annual accounts.

32. (1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

(2) A copy of the annual accounts, together with the audit report thereon, shall be submitted to the Court and the Visitor along with the observations of the Executive Council.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.

(4) A copy of the annual accounts, together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both the Houses of Parliament.

(5) The audited annual accounts after having been laid before both the Houses of Parliament shall be published in the Gazette of India.

33. The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require, within such period as may be specified by the Central Government.

Returns and information.

34. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

Conditions of service of employees, etc.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

Provided that nothing in this sub-section shall preclude the employee from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

35. (1) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

35. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

Procedure of appeal and arbitration in disciplinary cases against students.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 34 shall, as far as may be, apply to a reference made under this sub-section.

36. Every employee or student of the University or of a College or Institution maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University, or, the Principal or the management of any College or an Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

Right to appeal.

37. (1) The University shall constitute for the benefits of its employees such provident or pension fund or provide such insurance schemes and other welfare and social security measures, as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Statutes.

Provident and pension funds.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provision of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government provident fund.

38. If any question arises as to whether any person has been duly elected or nominated or appointed, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereupon shall be final.

Disputes as to constitution of authorities and bodies.

Filling of
casual
vacancies.

39. All casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who elects, nominates, appoints or co-opta the member whose place has become vacant and the person appointed, elected, nominated or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceedings
of authorities
or bodies not
invalidated by
vacancies.

40. No act or proceeding of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Protection of
action taken
in good faith.

41. No suit or other legal proceedings shall lie against any officer or any other employee of the University for anything which is in good faith, done or intended to be done, in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Mode of proof
of University
record.

42. Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document in possession of the University or any entry in any register duly maintained by the University if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

1 of 1872.

Power to
remove
difficulties.

43. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

Statutes,
Ordinances
and
Regulations to
be published in
Official
Gazette and to
be laid before
Parliament.

44. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinances or Regulation or both Houses agree that the Statute, Ordinances or Regulation should not be made, the Statute, Ordinances or Regulation shall thereafter have effect only in such modified form, or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinances or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statutes, Ordinances or Regulations so as to prejudicially affect the interests of any person to whom such Statutes, Ordinances or Regulations may be applicable.

45. (1) Notwithstanding anything contained in this Act and the Statutes,—

Transitional
provisions.

(a) the Chancellor, Vice-Chancellor and other officers of each of the deemed to be Universities holding office immediately before the commencement of this Act, shall, on and from such commencement, continue to hold their respective offices by the same tenure and upon the same terms and conditions as they held it immediately before such commencement for the remaining period of their term;

(b) the members of the Executive Council, the Academic Council, the Finance Committee, the Planning and Monitoring Board and Faculties of each of the deemed to be Universities appointed as such prior to the commencement of this Act shall, on and from such commencement, be deemed to have been appointed in the same capacity under this Act for the remaining period of their term and shall continue to exercise all the powers and perform all the functions of such authority under this Act;

(c) the first Court shall consist of not more than thirty-one members who shall be nominated by the Central Government and shall hold office for a term of three years:

Provided that if any vacancy occurs in the offices or authorities referred to in clauses (a) and (b), the same shall be filled by appointment by the Visitor or nomination by the Central Government, as the case may be, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred:

Provided further that any *ex officio* member appointed to any of the authorities referred to in clauses (a) and (b) prior to the commencement of this Act shall, if such appointment is not in conformity with the provisions of this Act, cease to be a member of such authority.

(2) All other officers and employees of the deemed to be Universities holding office immediately before the commencement of this Act, shall, on and from such commencement, continue to hold their respective offices by the same tenure and upon the same terms and conditions as they held immediately before such commencement of this Act.

(3) All students admitted in any programme or course in a deemed to be University immediately before the commencement of this Act, shall be deemed to have been migrated under same programme or course to corresponding University under the same terms and conditions as they held immediately before such commencement.

(4) Anything done or any action taken or any degree or other academic distinction conferred by a deemed to be University before the commencement of this Act shall, notwithstanding any change made by this Act in the constitution of the Court, the Executive Council, the Academic Council, the Finance Committee, the Planning and Monitoring Board, Faculties and other officers be valid, as if such thing was done, action taken, or degree or academic distinction conferred under this Act.

(5) The Regulations, Bye-laws or Orders, if any, made prior to the commencement of this Act, shall, in so far as they pertain to matters mentioned in section 30, continue to be applicable till the Regulations, Bye-laws or Orders are made under this Act.

(6) The Central Government may, without prejudice to the provisions of this Act, and if it considers it necessary and expedient so to do, by notification, take such measures, as may be necessary, for the smooth transfer of the deemed to be University to the corresponding University.

46. The University may constitute such Councils, Boards, Standing Committees and Cells, in furtherance of its functions, as it may deem necessary.

Councils.
Boards.
Standing
Committees
and Cells of
University.

Constitution
of
Committees.

47. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other person, if any, as the authority in each case may think fit.

THE FIRST SCHEDULE

[See section 3(1)(a)]

S. No.	Name of the State	Name of the Campus
1.	Jammu and Kashmir	Shri Ranbir Campus
2.	Uttar Pradesh	(a) Lucknow Campus (b) Ganganath Jha Campus
3.	Karnataka	Shri Rajiv Gandhi Campus
4.	Rajasthan	Jaipur Campus
5.	Odisha	Shri Sadashive Campus
6.	Kerala	Guruvayoor Campus
7.	Madhya Pradesh	Bhopal Campus
8.	Maharashtra	K.J. Somaiya Campus
9.	Himachal Pradesh	Veda Vyas Campus
10.	Tripura	Eklavya Campus
11.	Uttarakhand	Shri Raghunath Kirti Campus.

THE SECOND SCHEDULE

(See section 28)

The Statutes of the University

1. Chancellor.—(1) The Minister in-Charge of the Ministry of Human Resource Development shall be the *ex officio* Chancellor of the Central Sanskrit University, Delhi.

(2) The Chancellors of Shri Lal Bahadur Shastri National Sanskrit University, New Delhi and the National Sanskrit University, Tirupati shall be appointed by the Visitor from a panel of not less than three persons recommended by the Executive Council from amongst persons of eminence in the academic or in public life of the country:

Provided that, if the Visitor does not approve of any of the persons so recommended, he may, call for fresh recommendations of different names, from the Executive Council.

(3) The Chancellors of Shri Lal Bahadur Shastri National Sanskrit University, New Delhi and of the National Sanskrit University, Tirupati shall hold office for a term of five years and shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of his term of office, the Chancellor shall continue to hold office until his successor enters upon his office.

(4) The age of the Chancellors of Shri Lal Bahadur Shastri National Sanskrit University, New Delhi and of the National Sanskrit University, Tirupati shall not be more than seventy years as on the 1st day of January in the year during which the vacancy has arisen.

2. Vice-Chancellor.—(1) The Vice-Chancellor shall be appointed by the Visitor from out of a panel of three names recommended by a Committee constituted under clause (3):

Provided that if the Visitor does not approve any of the persons included in the panel, he may call for a fresh panel of new names.

(2) The Vice-Chancellor shall be an eminent scholar in the field of Sanskrit and allied subjects and his qualifications shall be as specified in the regulations made under the University Grants Commission Act, 1956 (3 of 1956) in this behalf.

(3) The Committee referred to in clause (1) shall consist of five persons, out of whom two shall be nominated by the Executive Council and two by the Visitor, and one by the Central Government and the nominee of the Visitor shall be the convener of the Committee:

Provided that none of the members of the Committee shall be an employee of the University or a College or an Institution maintained by the University or a member of any authority of the University.

(4) The Vice-Chancellor shall be a whole-time salaried employee of the University.

(5) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of seventy years:

Provided that the Visitor may direct any Vice-Chancellor, after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by him, subject to him not exceeding seventy years of age.

(6) Notwithstanding anything contained in clause (5), the Visitor may, at any time after the Vice-Chancellor has entered upon his office, by order in writing, remove the Vice-Chancellor from office on grounds of incapacity, misconduct or violation of statutory provisions:

Provided that no such order shall be made by the Visitor unless the Vice-Chancellor has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided further that the Visitor shall consult the Chancellor also before making such order:

Provided also that the Visitor may, at any time, before making such order, place the Vice-Chancellor under suspension, pending enquiry.

(7) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows:—

(i) the Vice-Chancellor shall be paid a monthly salary and allowances, other than house rent allowance, at the rates fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor in respect of the maintenance of such residence;

(ii) the Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Central Government from time to time:

Provided that where an employee of the University, or a College or an Institution maintained by the University, or of any other University or any college or institution maintained by or admitted to the privileges of, such other University, is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

Provided further that where such employee had been a member of any pension scheme, the University shall make necessary contribution to such scheme;

(iii) the Vice-Chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Central Government from time to time;

(iv) the Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the first day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and-a-half days for each completed month of service;

(v) in addition to the leave referred to in sub-clause (iv), the Vice-Chancellor shall also be entitled to half-pay leave at the rate of twenty days for each completed year of service, and half-pay leave may also be availed of as commuted leave on full pay on medical certificate:

Provided that when such commuted leave is availed of, twice the amount of half-pay leave shall be debited against half-pay leave due.

(8) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill-health or any other cause, the senior-most Professor shall perform the duties of the Vice-Chancellor.

3. Powers and duties of Vice-Chancellor.—(1) The Vice-Chancellor shall be *ex officio* Chairman of the Executive Council, the Academic Council, the Finance Committee and Planning and Monitoring Board, and shall, in the absence of the Chancellor, preside at the Convocations held for conferring degrees and at meetings of the Court.

(2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he deems fit.

(5) The Vice-Chancellor shall have all the powers to convene or cause to be convened the meetings of the Executive Council, the Academic Council, the Finance Committee and the Planning and Monitoring Board.

4. Deans of School of Studies.—(1) Every Dean of School of Studies shall be appointed by the Vice-Chancellor from amongst the Professors in the School of Studies by rotation in the order of seniority for a period of three years:

Provided that in case there is only one Professor or no Professor in a School of Studies, the Dean shall be appointed, for the time being, from amongst the Professors, if any, and the Associate Professors in the School of Studies by rotation in the order of seniority:

Provided further that a Dean on attaining the age of sixty-five years shall cease to hold office as such.

(2) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by the senior-most Professor, as the case may be, in the School of Studies.

(3) The Dean shall be the Head of the School of Studies and shall be responsible for the conduct and maintenance of the standards of teaching and research in the School of Studies and shall have such other functions as may be prescribed by the Ordinances.

(4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Studies or Committees of the School of Studies, as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

5. Registrar.—(1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be whole-time salaried officer of the University.

(2) The Registrar shall be appointed for a term of five years and shall be eligible for re-appointment after following such procedure as may be laid down for such appointment.

(3) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Central Government from time to time:

Provided that the Registrar shall retire on attaining the age of sixty-two years.

(4) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and other academic staff, as may be specified in the order of the Executive Council and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him;

(b) an appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a);

(c) in a case where the inquiry discloses that a punishment beyond the power of the Registrar is called for, the Registrar shall, upon the conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(6) The Registrar shall be *ex officio* Secretary of the Executive Council and the Academic Council, but shall not be deemed to be member of either of these authorities and he shall be *ex officio* Member-Secretary of the Court and of the Planning and Monitoring Board.

(7) It shall be the duty of the Registrar—

(a) to be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charge;

(b) to issue all notices, convening meetings of the Court, the Executives Council, the Academic Council, the Planning and Monitoring Board, and of any Committees appointed by those authorities;

(c) to keep the minutes of all the meetings of the Court, the Executive Council, the Academic Council, the Planning and Monitoring Board and of any Committees appointed by those authorities;

(d) to conduct the official correspondence of the Court, the Executive Council, the Academic Council and the Planning and Monitoring Board;

(e) to supply to Visitor, copies of the agenda of the meetings of the authorities of the University as soon as they are issued and of the minutes of such meetings;

(f) to represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and

(g) to perform such other duties as may be specified in the Statutes, the Ordinances, the Regulations or as may be required from time to time by the Executive Council or the Vice-Chancellor.

6. Finance Officer.—(1) The Finance Officer shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Finance Officer shall be appointed for a term of five years and shall be eligible for re-appointment after following such procedure as may be laid down for such appointment.

(3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Central Government from time to time:

Provided that, the Finance Officer shall retire on attaining the age of sixty-two years.

(4) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Finance Officer shall be *ex officio* Member—Secretary of the Finance Committee.

(6) The Finance Officer shall—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances.

(7) Subject to the control of the Executive Council, the Finance Officer shall—

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenues and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking is conducted, of equipment and other consumable materials in all offices, Departments, Centres and Specialised Laboratories;

(g) bring to the notice of the Vice-Chancellor un-authorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for, from any office, Department, Centre, Laboratory, College, School of Studies or Institution maintained by the University, any information or returns that he may consider necessary for the performance of his duties.

(8) Any receipt given by the Finance Officer or the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

7. Controller of Examinations.—(1) The Controller of Examinations shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Controller of Examinations shall be appointed for a term of five years and shall be eligible for re-appointment after following such procedure as may be laid down for such appointment.

(3) The emoluments and other terms and conditions of service of the Controller of Examinations shall be such as may be prescribed by the Central Government from time to time:

Provided that the Controller of Examinations shall retire on attaining the age of sixty-two years.

(4) When the office of the Controller of Examinations is vacant or when the Controller of Examinations is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Controller of Examinations shall arrange for and superintend the examinations of the University in the manner prescribed by the Ordinances.

8. Librarian.—(1) The Librarian shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.

9. Director of the Campus.—(1) The Director of a Campus shall be the senior-most Professor and appointed by the Vice-Chancellor of the University on such terms and conditions as may be prescribed by the Ordinances.

(2) The Director of the Campus shall exercise such powers and perform duties as may be assigned to him by the Vice-Chancellor.

10. Meetings of Court.—(1) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year.

(2) At an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet as audited, and financial estimates for the next year shall be presented.

(3) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting.

(4) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor or if there is no Vice-Chancellor, by the Registrar.

(5) Eleven members of the Court shall form a quorum for a meeting of the Court.

11. Executive Council.—(1) The Executive Council shall consist of the following persons, namely:—

(a) Vice-Chancellor shall be the Chairperson;

(b) two Deans of the School of Studies by rotation according to the seniority;

(c) one Professor, other than a Dean by rotation according to seniority;

(d) one Associate Professor by rotation according to seniority;

(e) two members of the Court, none of whom shall be an employee of the University or a college or an institution affiliated to or recognised by the University;

(f) one representative from the University Grants Commission;

(g) three eminent academics nominated by the Visitor;

(h) two eminent academics in the field of Sanskrit and allied subjects to be nominated by the Central Government on the recommendations of the Vice-Chancellor;

(i) Joint Secretary in the Ministry of Human Resources Development looking after the University;

(j) the Registrar of the University shall be the Secretary of the Executive Council.

(2) All the members of the Executive Council, other than *ex officio* members shall hold office for a term of three years.

(3) Seven members of the Executive Council shall form a quorum for a meeting of the Executive Council and it shall meet at least thrice in a year.

12. Powers and functions of Executive Council.—(1) The Executive Council shall have power of management and administration of the revenues and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of this Act, the Statutes and the Ordinances, the Executive Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(i) to create teaching and other academic posts including Chairs, to determine the number and emoluments of such posts and to define the duties and conditions of

service of Professors, Associate Professors, Assistant Professors and other academic staff:

Provided that no action shall be taken by the Executive Council in respect of the number and qualifications of teachers and other academic staff otherwise than after consideration of the recommendations of the Academic Council;

(ii) to appoint such Professors, Associate Professors, Assistant Professors and other academic staff including Chairs, as may be necessary, on the recommendation of the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to promote inter-facial research by making joint appointments of teaching staff in different Schools, Departments and Centres;

(iv) to create administrative, ministerial and other necessary posts and to define their duties and conditions of their service and to make appointments thereto in the manner prescribed by the Ordinances;

(v) to grant leave of absence to any officer of the University other than the Chancellor and the Vice-Chancellor, and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(vi) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances;

(vii) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and for that purpose to appoint such agents as it may think fit;

(viii) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendation of the Finance Committee;

(ix) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities, from time to time, as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;

(x) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(xi) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(xii) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xiii) to entertain, adjudicate upon, and if thought fit, to redress any grievances of the employees and students of the University who may, for any reason, feel aggrieved;

(xiv) to appoint examiners and moderators and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(xv) to select a common seal for the University and provide for the use of such seal;

(xvi) to make such special arrangements as may be necessary for the residence of women students;

(xvii) to institute fellowships, scholarships, studentships, medals and prizes;

(xviii) to provide for the appointment of Visiting Professors, Emeritus Professors, Consultants and Scholars and determine the terms and conditions of such appointments;

(xix) to approve the award of degrees and diplomas based on the results of the examinations and tests to confer, grant of award of degrees, diplomas, certificates and other academic titles and distinctions;

(xx) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities funded or based on any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and pay out of the funds of the University, all expenses, incidental to the raising of money and to repay and redeem any money borrowed;

(xxi) to enter into partnership with industry and non-government agencies for the advancement of knowledge and establish a corpus of funds out of the profits of such partnership; and

(xxii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes.

13. Academic Council.—(1) The Academic Council shall consist of the following persons, namely:—

(a) the Vice-Chancellor shall be the Chairperson;

(b) Deans of School of Studies;

(c) Head of Departments and Director of Centres;

(d) two Professors other than Heads of Departments; according to seniority to be nominated by the Vice-Chancellor;

(e) two Teachers of the University, at least one of whom shall be an Associate Professor, by rotation according to seniority, to be nominated by the Vice-Chancellor;

(f) one member, other than those referred to in items (b), (c), (d) and (e) from each Schools of studies and centres;

(g) three persons, not being employees of the University to be nominated by the Vice-Chancellor on the recommendations of the Academic Council for their special knowledge;

(h) two members of the Court, none of whom shall be an employee of the University or a College or an Institution affiliated to or recognised by the University.

(2) The Registrar of the University shall be the Secretary of the Academic Council.

(3) All the members of the Academic Council, other than *ex officio* members shall hold office for a term of three years and they shall be eligible for re-appointment after a cooling off period of at least two years.

(4) Half of the sanctioned strength of the Academic Council shall form a quorum for a meeting of the Academic Council.

14. Powers and functions of Academic Council.—Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, co-ordination of teaching among the Colleges and the Institutions, evaluation of research and improvement of academic standards;

(b) to bring about and promote inter-School co-ordination and to establish or appoint such Committees or Boards as may be deemed necessary for the purpose;

(c) to consider matters of general academic interest either on its own initiative, or on a reference by a School or the Executive Council, and to take appropriate action thereon;

(d) to frame such Regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residence, admissions, award of fellowships and studentships, fees, concessions, corporate life and attendance;

(e) to prescribe courses of study leading to degrees and diplomas of the University; and

(f) to make recommendations to the Executive Council on the following matters:

(i) measures for improvement of standards of teaching, training and research;

(ii) institution of Fellowships, Travelling Fellowships, Scholarships, Medals and Prizes;

(iii) to recommend about the establishment or abolition of Centres or Departments.

15. Planning and Monitoring Board.—(1) The Planning and Monitoring Board shall consist of the following persons, namely:—

(i) the Vice-Chancellor shall be the Chairperson;

(ii) three internal members, to be nominated by the Executive Council;

(iii) three eminent educationists having special knowledge of the University planning, to be appointed by the Executive Council;

(iv) the Finance Officer;

(v) the Registrar who shall be Member-Secretary.

(2) The term of the members of the Planning and Monitoring Board, excluding *ex officio* members, shall be three years and they shall be eligible for re-appointment.

(3) The quorum for the meeting of the Planning and Monitoring Board shall be five.

(4) The Planning and Monitoring Board shall meet at least twice a year.

16. Powers and functions of the Planning and Monitoring Board.—(1) The Planning and Monitoring Board, subject to the supervision of the Executive Council, shall—

(i) be responsible for overall perspective planning and development of the University in consonance with its objective;

(ii) determine the area of excellence of the University and identify the thrust areas for research;

(iii) examine, rationalise, coordinate the proposals of development received from various Faculties and Departments to be submitted to the Executive Council and the Academic Council for their consideration and approval;

(iv) monitor the implementation of the approved plan of the University;

(v) submit to the Academic Council and the Executive Council plans for disciplines and courses of study;

(vi) propose to the Academic Council and the Faculty, measures regarding the restructuring of courses and introduction of inter-disciplinary interaction amongst the Departments of Studies;

(vii) perform such other functions and exercise such other powers as may be assigned or delegated to it by the Executive Council.

(2) In case of difference of opinion between the Planning and Monitoring Board and the Academic Council in regard to the academic planning, the matter shall be referred to the Executive Council whose decision thereon shall be final.

(3) The Planning and Monitoring Board shall, under its overall supervision, establish a planning cell to achieve its objectives and appoint as many Committees as it deems necessary for such purpose:

Provided that two-third members of such Committee shall be from amongst the teachers of the University.

17. Schools of Studies and Departments.—(1) The University shall have such Schools of Studies as may be specified in the Statutes.

(2) Every School of studies shall have a School Board and the members of the first School Board shall be nominated by the Executive Council for a period of three years.

(3) The composition, powers and functions of a School Board shall be prescribed by the Ordinances.

(4) The conduct of the meetings of a School Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(5) (a) Every School shall consist of such Departments as may be assigned to it by the Ordinances:

Provided that the Executive Council may, on the recommendation of the Academic Council, establish Centres of Studies to which may be assigned such teachers of the University as the Executive Council may consider necessary.

(b) Each Department shall consist of the following members, namely:—

(i) teachers of the Department;

(ii) persons conducting research in the Department;

(iii) Dean of the School;

(iv) Honorary Professors, if any, attached to the Department; and

(v) such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

18. Board of Studies.—(1) Each Department shall have a Board of Studies.

(2) The constitution of the Board of Studies and the term of office of its members shall be prescribed by the Ordinances.

(3) Subject to the overall control and supervision of the Academic Council, the functions of a Board of Studies shall be to approve subjects for research for various degrees and other requirements of research degrees and to recommend to the concerned School Board in the manner prescribed by the Ordinances—

(a) courses of studies and appointment of examiners for courses, but excluding research degrees;

(b) appointment of supervisors for research; and

(c) measures for the improvement of the standard of teaching and research:

Provided that the above functions of a Board of Studies shall, during the period of three years immediately after the commencement of this Act, be performed by the Department.

19. Finance Committee.—(1) The Finance Committee shall consist of the following members, namely:—

(i) the Vice-Chancellor;

(ii) one person to be nominated by the Court;

(iii) three persons to be nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council;

(iv) one representative of the Ministry of Human Resource Development;

(v) Finance Officer shall be the Member—Secretary.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least twice every year to examine the accounts and to scrutinise proposals for expenditure.

(6) All proposals relating to creation of posts, and those items which have not been included in the budget, shall be examined by the Finance Committee before they are considered by the Executive Council.

(7) The annual accounts and the financial estimates of the University prepared by Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(8) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

20. Selection Committees.—(1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professor, Associate Professor, Assistant Professor, Registrar, Finance Officer, Controller of Examinations, Librarian and Principals of Colleges and Institutions maintained by the University.

(2) (a) The Selection Committee for appointment to the posts specified in column 1 of the Table below shall consist of the Vice-Chancellor, a nominee of the Central Government and the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

	1	2
Professor		<p>(i) The Dean of the School of Studies.</p> <p>(ii) The Head of the Department, if he is a Professor.</p> <p>(iii) Three persons not in the service of the University, nominated by the Vice-Chancellor, out of a panel of names approved by the Executive Council and recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Professor will be concerned.</p>
Associate Professor/ Assistant Professor		<p>(i) The Dean of the School of Studies.</p> <p>(ii) Head of the Department, if he is a Professor.</p> <p>(iii) One Professor nominated by the Vice-Chancellor.</p>

1

2

(iv) Two persons not in the service of the University, nominated by the Vice-Chancellor, out of a panel of names approved by the Executive Council and recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Associate Professor or Assistant Professor will be concerned.

Registrar/Finance Officer/
Controller of Examinations

(i) Two members of the Executive Council nominated by it.

(ii) One person not in the service of the University nominated by the Executive Council.

Librarian

(i) Two persons not in the service of the University who have special knowledge of the subject of the Library Science or Library Administration nominated by the Executive Council.

(ii) One person not in the service of the University nominated by the Executive Council.

(b) There shall be a Selection Committee for making recommendations to the Vice-Chancellor for appointments of employees, consultants, retainers and other non-academic posts; and the Selection Committee for appointment to the post specified in column 1 of the Table below shall consist of the persons mentioned in column 2, namely:—

TABLE

1

2

Group A, B and C non-teaching staff

A Committee of three to five members comprising of one to three senior officers and teachers of the University to be nominated by the Vice-Chancellor and two external members with expertise in the relevant field to be nominated by the Executive Council.

Note 1.—Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.

Note 2.—The Professor to be nominated by the Vice-Chancellor shall be a Professor concerned with the speciality for which the selection is being made and the Vice-Chancellor shall consult the Head of the Department and the Dean of School of Studies before nominating the Professor.

(3) The Vice-Chancellor, or in his absence, the senior-most Professor, shall convene and preside at the meeting of the Selection Committee:

Provided that the proceedings of the Selection Committee shall not be valid unless,—

(a) where the number of Central Government nominee and the persons nominated by the Executive Council is four in all, at least three of them attend the meeting; and

(b) where the number of Central Government nominee and the persons nominated by the Executive Council is three in all, at least two of them attend the meeting.

(4) The procedure to be followed by the Selection Committee shall be laid down in the Ordinances.

(5) If the Executive Council is unable to accept the recommendations made by the Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.

(6) Appointments to temporary posts shall be made in the manner indicated below:—

(i) if the temporary vacancy is for duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses:

Provided that if the Vice-Chancellor is satisfied that in the interests of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis on the advice of a local Selection Committee referred to in sub-clause (ii) for a period not exceeding six months;

(ii) if the temporary vacancy is for a period less than a year, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Director of Campuses or Dean of School of Studies concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor:

Provided further that in the case of sudden casual vacancies of teaching posts caused by death or any other reason, the Dean may, in consultation with the Head of the Department concerned, make a temporary appointment for a month and report to the Vice-Chancellor and the Registrar about such appointment;

(iii) no teacher appointed temporarily shall, if he is not recommended by a regular Selection Committee for appointment under the Statutes, be continued in service on such temporary employment, unless he is subsequently selected by a local Selection Committee or a regular Selection Committee, for a temporary or permanent appointment, as the case may be.

21. Special mode of appointment.—(1) Notwithstanding anything contained in Statute 20, the Executive Council may invite a person of high academic distinction and professional to accept a post of Professor or Associate Professor or any other equivalent academic post in the University on such terms and conditions as it deems fit and on the person agreeing to do so appoint him to the post:

Provided that the Executive Council may also create supernumerary post for a specified period for appointment of such persons:

Provided further that, the number of supernumerary posts so created, shall not exceed five per cent. of the total posts in the University.

(2) The Executive Council may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

22. Appointment for tenure fixed.—The Executive Council may appoint a person selected in accordance with the procedure laid down in Statute 20 for a fixed tenure on such terms and conditions as it deems fit.

23. Committees.—(1) An authority of the University may appoint as many standing Committees, as it may deem fit, and may appoint to such Committees persons who are not members of such authority.

(2) A Committee appointed under clause (1) may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing it.

24. Terms and conditions of service and code of conduct of teachers, etc.—(1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

(2) The emoluments of members of the academic staff shall be such as may be prescribed by the Ordinances.

(3) Every teacher and member of the academic staff of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances.

(4) A copy of every contract referred to in clause (3) shall be deposited with the Registrar.

25. Terms and conditions of service and code of conduct of other employees.—(1) All the employees of the University, other than the teachers and other academic staff shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

(2) The manner of appointment and emoluments of employees, other than the teachers and other academic staff, shall be such as may be prescribed by the Ordinances.

26. Seniority list.—(1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and in accordance with such other principles as the Executive Council may, from time to time, prescribe.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion, and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

27. Removal of employees of University.—(1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of teacher or a member of the academic staff and the authority competent to appoint (hereinafter referred to as the appointing authority) in the case of other employee may, by order in writing, place such teacher, member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or a member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other provisions in the terms and conditions of service of the employees, the Executive Council in respect of teachers and other academic staff, and the appointing authority in respect of other employees, shall have the power to remove a teacher or a member of the academic staff or other employee, as the case may be, on grounds of misconduct.

(3) Save as aforesaid, the Executive Council, or as the case may be, the appointing authority, shall not be entitled to remove any teacher, member of the academic staff or other employee except for a good cause and after giving three months' notice or on payment of three months' salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher, member of the academic staff or any other regular appointed employee shall require a two-thirds majority of the members of the Executive Council present and voting and it shall take effect from the date on which the order of

removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of this Statute, a teacher, member of the academic staff or any other employee may resign—

(a) if he is permanent employee, only after giving three months' notice in writing to the Executive Council or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof;

(b) if he is not a permanent employee, only after given one month's notice in writing to the Executive Council or, as the case may be, the appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Executive Council or the appointing authority, as the case may be.

28. Honorary degrees.—(1) The Executive Council may, on the recommendation of the Academic Council by a resolution passed by a majority of not less than two-thirds of the members to the Visitor for the conferment of honorary degrees:

Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

29. Withdrawal of degrees, etc.—The Executive Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw a degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice as to why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

30. Maintenance of discipline amongst students of University.—(1) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University shall vest in the Vice-Chancellor.

(2) There shall be a Proctor of the University to assist the Vice-Chancellor in the exercise of the powers referred to in clause (1), who shall be appointed by Executive Council from amongst the Professors and Associate Professors in the manner prescribed by the Ordinances.

(3) The Vice-Chancellor may delegate all or any of the powers referred to in clause (1), as he deems proper, to the Proctor and to such other officers as he may specify in this behalf.

(4) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in exercise of such powers, by order, direct that any student or students be expelled or rusticated, for a specified period, or be not admitted to a course or courses of study in a College, Institution or Department or a School of the University for a stated period, or be punished with fine for an amount to be specified in the

order, or be debarred from taking an examination or examinations conducted by the University, College, Institution or Department or a School for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be withheld or cancelled.

(5) The Directors of Campuses, Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Campuses, Institutions, Schools of Studies and teaching Departments in the University, as may be necessary, for the proper conduct of such Colleges, Campuses, Institutions, Schools of Studies and teaching Departments.

(6) Without prejudice to the powers of the Vice-Chancellor and the Principals and other persons specified in clause (5), detailed rules of discipline and proper conduct shall be made by the University and the Principals of Colleges, Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University may also make such supplementary rules as they deem necessary for the purposes stated therein.

(7) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

31. Convocations.—Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

32. Acting Chairman of meetings.—Where no provision is made for a President or Chairman to preside over a meeting of any authority of the University or any Committee of such authority or when the President or Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

33. Resignation.—Any member, other than an *ex officio* member of the Court, the Executive Council, the Academic Council or any other authority of the University or any Committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

34. Disqualification.—(1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities, or for being appointed as, and for being, an officer, of the University if—

(i) he is of unsound mind; or

(ii) he is an undischarged insolvent; or

(iii) he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Visitor and his decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.

35. Residence condition for membership and office.—Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.

36. Membership of authorities by virtue of membership of other bodies.—Notwithstanding anything contained in the Statutes, a person who holds any post in the

University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.

37. Alumni Association.—(1) There shall be an Alumni Association for the University.

(2) The subscription for membership of the Alumni Association shall be prescribed by the Ordinances.

(3) No member of the Alumni Association shall be entitled to vote or stand for election unless he has been a member of the Association for at least one year prior to the date of election and is a degree holder of the University of at least five years standing:

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.

38. Students' Council.—(1) There shall be constituted in the University, a Students' Council for every academic year, consisting of—

(i) the Dean of Students' Welfare who shall be the Chairman of the Students' Council;

(ii) twenty students to be nominated by the Academic Council on the basis of merit in studies, sports and extra-curricular activities; and

(iii) twenty students to be elected by the students as their representatives:

Provided that any student of the University shall have the right to bring up any matter concerning the University before the Students' Council, if so permitted by the Chairman, and he shall have the right to participate in the discussions at any meeting when the matter is taken up for consideration.

(2) The functions of the Students' Council shall be to make suggestions to the appropriate authorities of the University in regard to the programmes of studies, students' welfare and other matters of importance, in regard to the working of the University in general and such suggestions shall be made on the basis of consensus of opinion.

(3) The Students' Council shall meet at least twice in every academic year and the first meeting of the Council be held in the beginning of the academic session.

39. Ordinances, how to be made.—(1) The first Ordinances made under sub-section (2) of section 29 may be amended, repealed or added to at any time by the Executive Council in the manner specified in the following clauses.

(2) No Ordinance in respect of the matters enumerated in sub-section (1) of section 29 shall be made by the Executive Council unless a draft of such Ordinance has been proposed by the Academic Council.

(3) The Executive Council shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for re-consideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(4) Where the Executive Council has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision shall be final.

(5) Every Ordinance made by the Executive Council shall come into effect immediately.

(6) Every Ordinance made by the Executive Council shall be submitted to the Visitor within two weeks from the date of its adoption.

(7) The Visitor shall have the power to direct the University to suspend the operation of any Ordinances.

(8) The Visitor shall inform the Executive Council about his objection to the Ordinances referred to in clause (7) and may, after receiving the comments of the University, either withdraw the order suspending the Ordinances or disallow the Ordinances, and his decision shall be final.

40. Regulations.—(1) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the following matters, namely:—

(i) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;

(ii) providing for all matters which are required by this Act, the Statutes or the Ordinances to be prescribed by the Regulations; and

(iii) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by this Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meeting and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify of any Regulation made under the Statutes or the annullment of any such Regulation.

41. Establishment of campuses in India and outside India.—(1) The establishment of Campuses and the abolition thereof shall be governed by the Statutes provided the same have received the assent of the Visitor.

(2) The procedures to be followed for establishment and abolition of Campuses shall be as prescribed in the Ordinances.

42. Distance education system.—(1) Subject to the provisions of the Act and the Statutes, the University shall have a distance education system as prescribed in the Ordinance.

(2) The composition, powers and functions of the Distance Education System shall be as prescribed in the Ordinances.

43. Delegation of Powers.—Subject to the provisions of this Act and the Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the power so delegated shall continue to vest in the officer or authority delegating such powers.

44. Correspondence with the Visitor.—All the correspondences with the Visitor by the University or its authorities or officers shall be routed through the Central Government.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ್)
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ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂಪೂರ್ಣಾಂಶ 23 ಕೇಂದ್ರ 2020 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 05.06.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟಿಸಾದ THE FARMERS' PRODUCE TRADE AND COMMERCE (PROMOTION AND FACILITATION) ORDINANCE, 2020 (NO.10 OF 2020) ರ ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕನಾಂಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-आ.-05062020-219745
CG-DL-E-05062020-219745

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 35] नई दिल्ली, शुक्रवार, चून 5, 2020/ज्येष्ठ 15, 1942 (शक)
No. 35] NEW DELHI, FRIDAY, JUNE 5, 2020/JYAISHTHA 15, 1942 (SAKA)

इस भाग में अलग पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 5th June, 2020/Jyaishtha 15, 1942 (Saka)*THE FARMERS' PRODUCE TRADE AND COMMERCE
(PROMOTION AND FACILITATION) ORDINANCE, 2020

No. 10 OF 2020

Promulgated by the President in the Seventy-first Year of
the Republic of India.

An Ordinance to provide for the creation of an ecosystem where the farmers and traders enjoy the freedom of choice relating to sale and purchase of farmers' produce which facilitates remunerative prices through competitive alternative trading channels; to promote efficient, transparent and barrier-free inter-State and intra-State trade and commerce of farmers' produce outside the physical premises of markets or deemed markets notified under various State agricultural produce market legislations; to provide a facilitative framework for electronic trading and for matters connected therewith or incidental thereto.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance.

CHAPTER I PRELIMINARY

1. (1) This Ordinance may be called the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Ordinance, 2020. Short title and commencement.

(2) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires,— Definitions.

(a) "farmers' produce" means,—

(i) foodstuffs including cereals like wheat, rice or other coarse grains, pulses, edible oilseeds, oils, vegetables, fruits, nuts, spices, sugarcane and products of poultry, piggery, goatery, fishery and dairy intended for human consumption in its natural or processed form;

(ii) cattle fodder including oilcakes and other concentrates; and

(iii) raw cotton whether ginned or unginned, cotton seeds and raw jute;

(b) "electronic trading and transaction platform" means a platform set up to facilitate direct and online buying and selling for conduct of trade and commerce of farmers' produce through a network of electronic devices and internet applications, where each such transaction results in physical delivery of farmers' produce.

(c) "farmer" means a person engaged in the production of farmers' produce by self or by hired labour or otherwise, and includes the farmer producer organisation;

(d) "farmer producer organisation" means an association or group of farmers, by whatever name called,—

(i) registered under any law for the time being in force; or

(ii) promoted under a scheme or programme sponsored by the Central or State Government;

(e) "inter-State trade" means the act of buying or selling of farmers' produce, wherein a trader of one State buys the farmers' produce from the farmer or a trader of another State and such farmers' produce is transported to a State other than the State in which the trader purchased such farmers' produce or where such farmers' produce originated;

(f) "intra-State trade" means the act of buying or selling of farmers' produce, wherein a trader of one State buys the farmers' produce from a farmer or a trader of the same State in which the trader purchased such farmers' produce or where such farmers' produce originated;

(g) "notification" means a notification published by the Central Government or the State Governments in the Official Gazette and the expressions "notify" and "notified" shall be construed accordingly;

(h) "person" includes—

(a) an individual;

(b) a partnership firm;

(c) a company;

(d) a limited liability partnership;

(e) a co-operative society;

(f) a society; or

(g) any association or body of persons duly incorporated or recognised as a group under any ongoing programmes of the Central Government or the State Government;

(i) "prescribed" means prescribed by the rules made by the Central Government under this Ordinance;

(j) "scheduled farmers' produce" means the agricultural produce specified under any State APMC Act for regulation;

(k) "State" includes the Union territory;

(l) "State APMC Act" means any State legislation or Union territory legislation in force in India, by whatever name called, which regulates markets for agricultural produce in that State;

(m) "trade area" means any area or location, place of production, collection and aggregation including—

- (a) farm gates;
- (b) factory premises;
- (c) warehouses;
- (d) silos;
- (e) cold storages; or
- (f) any other structures or places,

from where trade of farmers' produce may be undertaken in the territory of India but does not include the premises, enclosures and structures constituting—

(i) physical boundaries of principal market yards, sub-market yards and market sub-yards managed and run by the market committees formed under each State APMC Act in force in India; and

(ii) private market yards, private market sub-yards, direct marketing collection centres, and private farmer-consumer market yards managed by persons holding licenses or any warehouses, silos, cold storages or other structures notified as markets or deemed markets under each State APMC Act in force in India;

(n) "trader" means a person who buys farmers' produce by way of inter-State trade or intra-State trade or combination thereof, either for self or on behalf of one or more persons for the purpose of wholesale trade, retail, end-use, value addition, processing, manufacturing, export, consumption or for such other purpose.

CHAPTER II PROMOTION AND FACILITATION OF TRADE AND COMMERCE OF FARMERS' PRODUCE

3. Subject to the provisions of this Ordinance, any farmer or trader or electronic trading and transaction platform shall have

Freedom to conduct trade and commerce in

the freedom to carry on the inter-State or intra-State trade and commerce in farmers' produce in a trade area.

4. (1) Any trader may engage in the inter-State trade or intra-State trade of scheduled farmers' produce with a farmer or another trader in a trade area:

Trade and commerce of scheduled farmers' produce.

43 of 1961.

Provided that no trader, except the farmer producer organisations or agricultural cooperative society, shall trade in any scheduled farmers' produce unless such a trader has a permanent account number allotted under the Income-tax Act, 1961 or such other document as may be notified by the Central Government.

(2) The Central Government may, if it is of the opinion that it is necessary and expedient in the public interest so to do, prescribe a system for electronic registration for a trader, modalities of trade transaction and mode of payment of the scheduled farmers' produce in a trade area.

(3) Every trader who transacts with farmers shall make payment for the traded scheduled farmers' produce on the same day or within the maximum three working days if procedurally so required subject to the condition that the receipt of delivery mentioning the due payment amount shall be given to the farmer on the same day:

Provided that the Central Government may prescribe a different procedure of payment by farmer produce organisation or agriculture co-operative society, by whatever name called, linked with the receipt of payment from the buyers.

43 of 1961.

5. (1) Any person (other than individual), having a permanent account number allotted under the Income-tax Act, 1961 or such other document as may be notified by the Central Government or any farmer producer organisation or agricultural cooperative society may establish and operate an electronic trading and transaction platform for facilitating inter-State or intra-State trade and commerce of scheduled farmers' produce in a trade area:

Electronic trading and transaction platform.

Provided that the person establishing and operating an electronic trading and transaction platform shall prepare and implement the guidelines for fair trade practices such as mode of trading, fees, technical parameters including inter-operability with other platforms, logistics arrangements, quality assessment, timely payment, dissemination of guidelines in local language of the place of operation of the platform and such other matters.

(2) If the Central Government is of the opinion that it is

necessary and expedient in public interest so to do, it may, for electronic trading platforms, by rules—

(a) specify the procedure, norms, manner of registration; and

(b) specify the code of conduct, technical parameters including inter-operability with other platform and modalities of trade transaction including logistics arrangements and quality assessment of scheduled farmers' produce and mode of payment,

for facilitating fair inter-State and intra-State trade and commerce of scheduled farmers' produce in a trade area.

6. No market fee or cess or levy, by whatever name called, under any State APMC Act or any other State law, shall be levied on any farmer or trader or electronic trading and transaction platform for trade and commerce in scheduled farmers' produce in a trade area.

Market fee under
State APMC
Act, etc. in trade
area.

7.(1) The Central Government may, through any Central Government Organisation, develop a price information and market intelligence system for farmers' produce and a framework for dissemination of information relating thereto.

Price
Information and
market
intelligence
System.

(2) The Central Government may require any person owning and operating an electronic trading and transaction platform to provide information regarding such transactions as may be prescribed.

Explanation.—For the purposes of this section, the expression "Central Government Organisation" includes any sub-ordinate or attached office, Government owned or promoted company or society.

CHAPTER III DISPUTE RESOLUTION

8. (1) In case of any dispute arising out of a transaction between the farmer and a trader under section 4 of this Ordinance, the parties may seek a mutually acceptable solution through conciliation by filing an application to the Sub-Divisional Magistrate who shall refer such dispute to a Conciliation Board to be appointed by him for facilitating the binding settlement of the dispute.

Dispute
Resolution
Mechanism for
farmers.

(2) Every Board of Conciliation appointed by the Sub-Divisional Magistrate under sub-section (1), shall consist of a chairperson and such members not less than two and not more than four, as the Sub-Divisional Magistrate may deem fit.

(3) The chairperson shall be an officer serving under the supervision and control of the Sub-Divisional Magistrate and the other members shall be persons appointed in equal numbers to represent the parties to the dispute and any person appointed to represent a party shall be appointed on the recommendation of that party:

Provided that, if any party fails to make such recommendation within seven days, the Sub-Divisional Magistrate shall appoint such persons as he thinks fit to represent that party.

(4) Where, in respect of any dispute, a settlement is arrived at during the course of conciliation proceedings, a memorandum of settlement shall be drawn accordingly and signed by the parties to such dispute which shall be binding upon the parties.

(5) If the parties to the transaction under sub-section (1) are unable to resolve the dispute within thirty days in the manner set out under this section, they may approach the Sub-divisional Magistrate concerned who shall be the "Sub-divisional Authority" for settlement of such dispute.

(6) The Sub-Divisional Authority on its own motion or on a petition or on the reference from any Government agency take cognizance of any contravention of the provisions of section 4 or rules made thereunder and take action under sub-section (7).

(7) The Sub-divisional Authority shall decide the dispute or contravention under this section in a summary manner within thirty days from the date of its filing and after giving the parties an opportunity of being heard, he may—

(a) pass an order for the recovery of the amount under dispute; or

(b) impose a penalty as stipulated in sub-section (1) of section 11; or

(c) pass an order for restraining the trader in dispute from undertaking any trade and commerce of scheduled farmers' produce, directly or indirectly under this Ordinance for such period as it may deem fit.

(8) Any party aggrieved by the order of the Sub-Divisional Authority may prefer an appeal before the Appellate Authority (Collector or Additional Collector nominated by the Collector) within thirty days of such order who shall dispose of the appeal

within thirty days from the date of filing of such appeal.

(9) Every order of the Sub-Divisional Authority or Appellant Authority under this section shall have force of the decree of a civil court and shall be enforceable as such, and decretal amount shall be recovered as arrears of land revenue.

(10) The manner and procedure for filing a petition or an application before the Sub-Divisional Authority and appeal before the appellate authority shall be suchas may be prescribed.

9. (1)The Agriculture Marketing Adviser, Directorate of Marketing and Inspection, Government of India or an officer of the State Government to whom such powers are delegated by the Central Government in consultation with the respective State Government may, on its own motion or on a petition or on the reference from any Government Agency, take cognizance of any breach of the procedures, norms, manner of registration and code of conduct or any breach of the guidelines for fair trade practices by the electronic trading and transaction platform established under section 5 or contravence the provisions of section 7and, by an order within sixty days from the date of receiptand for the reasons to be recorded, he may—

Suspension or cancellation of right to operate in Electronic Trading and Transaction Platform.

(a) pass an order for the recovery of the amount payable to the farmers and traders;

(b) impose a penalty as stipulated in sub-section (2) of section 11; or

(c) suspend for such period as he deems fit or cancel the right to operate as an electronic trading and transaction platform:

Provided that no order for recovery of amount, imposition of penalty or suspension or cancellation of the right to operate shall be passed without giving the operator of such electronic trading and transaction platform an opportunity of being heard.

(2) Every order made under sub-section (1) shall have force of the decree of a Civil Courtand shall be enforceable as such and the decretal amount shall be recovered as arrears of land revenue.

10. (1) Any person aggrieved by an order under section 9 may, prefer an appeal within sixty days from the date of such order, to an officer not below the rank of joint secretary to the Government of India to be nominated by the Central Government for this purpose:

Appeal against cancellation of the Right to operate.

Provided that an appeal may be admitted even after the expiry of the said period of sixty days, but not beyond a total period of ninety days, if the appellant satisfies the appellate authority, that he had sufficient cause for not preferring the appeal within the said period.

(2) Every appeal made under this section shall be made in such form and manner, and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed.

(3) The procedure for disposing of an appeal shall be such as may be prescribed.

(4) An appeal filed under this section shall be heard and disposed of within a period of ninety days from the date of its filing:

Provided that before disposing of an appeal, the appellant shall be given an opportunity of being heard.

CHAPTER IV PENALTIES

11. (1) Whoever contravenes the provisions of section 4 or the rules made thereunder shall be liable to pay a penalty which shall not be less than twentyfive thousand rupees but which may extend to five lakh rupees, and where the contravention is a continuing one, further penalty not exceeding five thousand rupees for each day after the first day during which the contravention continues.

Penalty for contravention of Ordinance and rules.

(2) If any person, who owns, controls or operates an electronic trading and transaction platform, contravenes the provisions of sections 5 and 7 or the rules made thereunder shall be liable to pay a penalty which shall not be less than fifty thousand rupees but which may extend to ten lakh rupees, and where the contravention is a continuing one, further penalty not exceeding ten thousand rupees for each day after the first day during which the contravention continues.

CHAPTER V MISCELLANEOUS

12. The Central Government may, for carrying out the provisions of this Ordinance, give such instructions, directions, orders or issue guidelines as it may deem necessary to any authority or officer subordinate to the Central Government, any State Government or any authority or officer subordinate to a State Government, an electronic trading and transaction platform

Powers of Central Government to issue instructions, directions, orders or

or to any person or persons owning or operating an electronic trading and transaction platform, or a trader or class of traders.

13. No suit, prosecution or other legal proceedings shall lie against the Central Government or the State Government, or any officer of the Central Government or the State Government or any other person in respect of anything which is in good faith done or intended to be done under this Ordinance or of any rules or orders made thereunder.

14. The provisions of this Ordinance shall have effect, notwithstanding anything inconsistent therewith contained in any State APMC Act or any other law for time being in force or in any instrument having effect by virtue of any law for the time being in force.

15. No civil court shall have jurisdiction to entertain any suit or proceedings in respect of any matter, the cognizance of which can be taken and disposed of by any authority empowered by or under this Ordinance or the rules made thereunder.

42 of 1956.

16. Nothing contained in this Ordinance, shall be applicable to the Stock Exchanges and Clearing Corporations recognised under the Securities Contracts (Regulation) Act, 1956 and the transactions made thereunder.

17. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely:—

(a) the system of electronic registration for a trader and modalities of trade transaction of scheduled farmers' produce under sub-section (2) of section 4;

(b) the procedure of payment under proviso to sub-section (3) of section 4;

(c) the manner and procedure for filing a petition or an application before the Sub-divisional Authority and appeal before the appellate authority under sub-section (10) of section 8;

(d) the information regarding transactions under sub-section (2) of section 9;

(e) the form and manner and the fee payable for filing an appeal under sub-section (2) of section 10;

Protection of action taken in good faith.

Ordinance to have overriding effect.

Bar jurisdiction of civil court.

Ordinance not to apply to certain transactions.

Power of Central Government to make rules.

(f) the procedure for disposing of an appeal under sub-section (3) of section 10.

(g) any other matter which is to be or may be prescribed.

18. Every rule made by the Central Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Laying of rules.

19. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Ordinance as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪೊಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

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ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 05.06.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-1ರಲ್ಲಿ ಪ್ರಕಟಿತದ THE FARMERS (EMPOWERMENT AND
PROTECTION) AGREEMENT ON PRICE ASSURANCE AND FARM SERVICES
ORDINANCE, 2020 (NO. 11 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ
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भारत का संचार The Gazette of India

सी.जी.-डी.एल.-अ.-05062020-219750
CG-DL-E-05062020-219750

असाधारण

EXTRAORDINARY

भाग II — संख्या 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 36]

नई दिल्ली, शुक्रवार, जून 5, 2020/ज्येष्ठ 15, 1942 (शक)

No. 361

NEW DELHI, FRIDAY, JUNE 5, 2020/JYAISHTHA 15, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 5th June, 2020/Jyaishtha 15, 1942 (Saka)

THE FARMERS (EMPOWERMENT AND
PROTECTION) AGREEMENT ON PRICE

ASSURANCE AND FARM SERVICES ORDINANCE,

2020
No. 11 OF 2020

Promulgated by the President in the Seventy-first
Year of the Republic of India.

An ordinance to provide for a national framework on farming agreements that protects and empowers farmers to engage with agri-business firms, processors, wholesalers, exporters or large retailers for farm services and sale of future farming produce at a mutually agreed remunerative price framework in a fair and transparent manner and for matters connected therewith or incidental thereto.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I
PRELIMINARY

1. (1) This Ordinance may be called the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance, 2020. Short title and commencement.

(2) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires,— Definitions.

(a) “farming produce” includes—

(i) foodstuffs, including edible oilseeds and oils, all kinds of cereals like wheat, rice or other coarse grains, pulses, vegetables, fruits, nuts, spices, sugarcane and products of poultry, piggery, goatery, fishery and dairy, intended for human consumption in its natural or processed form;

(ii) cattle fodder, including oilcakes and other concentrates;

(iii) raw cotton, whether ginned or unginned;

(iv) cotton seeds and raw jute;

(b) “APMC yard” means the physical premises covering Agriculture Produce Market Committees Yard, by whatever name called, established for regulating markets and trade in farming produce under any State Act;

18 of 2013.
(c) “company” means a company as defined in clause (20) of section 2 of the Companies Act, 2013;

(d) “electronic trading and transaction platform” means a platform set up to facilitate direct and online buying and selling for conduct of trade and commerce of farming produce through a network of electronic devices and internet applications;

(e) “farm services” includes supply of seed, feed, fodder, agro-chemicals, machinery and technology, advice, non-chemical agro-inputs and such other inputs for farming;

(f) “farmer” means a person engaged in production of farming produce by self or by hired labour or otherwise, and includes Farmer Producer Organisation;

(g) “Farmer Producer Organisation” means an association or group of farmers, by whatever name called,—

(i) registered under any law for the time being in force; or

(ii) promoted under a scheme or programme sponsored by the Central Government or State Government;

(h) “farming agreement” means a written agreement entered into between a farmer and a Sponsor, or a farmer,

a Sponsor and any third party, prior to the production or rearing of any farming produce of a predetermined quality, in which the Sponsor agrees to purchase such farming produce from the farmer and to provide farm services.

Explanation.- For the purposes of this clause, the term "farming agreement" may include—

(i) 'trade and commerce agreement', where the ownership of commodity remains with the farmer during production and he gets the price of produce on its delivery as per the agreed terms with the Sponsor;

(ii) 'production agreement', where the Sponsor agrees to provide farm services, either fully or partially and to bear the risk of output, but agrees to make payment to the farmer for the services rendered by such farmer; and

(iii) such other agreements or a combination of agreements specified above.

9 of 1932.

(i) "firm" means a firm as defined in section 4 of the Indian Partnership Act, 1932;

(j) "force majeure" means any unforeseen external event, including flood, drought, bad weather, earthquake, epidemic outbreak of disease, insect-pests and such other events, which is unavoidable and beyond the control of parties entering into a farming agreement;

(k) "notification" means a notification published by the Central Government or the State Government, as the case may be, in the Official Gazette and the expression "notified" shall be construed accordingly;

(l) "person" includes—

(i) an individual;

(ii) a partnership firm;

(iii) a company;

(iv) a limited liability partnership;

(v) a co-operative society;

(vi) a society; or

(vii) any association or body of persons duly incorporated or recognised as a group under any ongoing programmes of the Central Government or the State Government;

(m) "prescribed" means prescribed by rules made

under this Ordinance;

(n) "Registration Authority" means an authority notified as such by the State Government under section 12;

(o) "Sponsor" means a person who has entered into a farming agreement with the farmer to purchase a farming produce.

(p) "State" includes Union territory.

CHAPTER II FARMING AGREEMENT

3. (1) A farmer may enter into a written farming agreement in respect of any farming produce and such agreement may provide for—

Farming
agreement and its
period.

(a) the terms and conditions for supply of such produce, including the time of supply, quality, grade, standards, price and such other matters; and

(b) the terms related to supply of farm services:

Provided that the responsibility for compliance of any legal requirement for providing such farm services shall be with the Sponsor or the farm service provider, as the case may be.

(2) No farming agreement shall be entered into by a farmer under this section in derogation of any rights of a share cropper.

Explanation.— For the purposes of this sub-section, the term "share cropper" means a tiller or occupier of a farm land who formally or informally agrees to give fixed share of crop or to pay fixed amount to the land owner for growing or rearing of farming produce.

(3) The minimum period of the farming agreement shall be for one crop season or one production cycle of livestock, as the case may be, and the maximum period shall be five years:

Provided that where the production cycle of any farming produce is longer and may go beyond five years, in such case, the maximum period of farming agreement may be mutually decided by the farmer and the Sponsor and explicitly mentioned in the farming agreement.

(4) For the purposes of facilitating farmers to enter into written farming agreements, the Central Government may issue necessary guidelines alongwith model farming

agreements, in such manner, as it deems fit.

4. (1) The parties entering into a farming agreement may identify and require as a condition for the performance of such agreement compliance with mutually acceptable quality, grade and standards of a farming produce.

Quality, grade and standards of farming produce.

(2) For the purposes of sub-section (1), the parties may adopt the quality, grade and standards—

(a) which are compatible with agronomic practices, agro-climate and such other factors; or

(b) formulated by any agency of the State Government or of the Central Government, or any agency authorised by such Government for this purpose,

and explicitly mention such quality, grade and standards in the farming agreement:

(3) The quality, grade and standards for pesticide residue, food safety standards, good farming practices and labour and social development standards may also be adopted in the farming agreement.

(4) The parties entering into a farming agreement may require as a condition that such mutually acceptable quality, grade and standards shall be monitored and certified during the process of cultivation or rearing, or at the time of delivery, by third party qualified assayers to ensure impartiality and fairness.

5. The price to be paid for the purchase of a farming produce may be determined and mentioned in the farming agreement itself, and in case, such price is subject to variation, then, such agreement shall explicitly provide for-

Pricing of farming produce.

(a) a guaranteed price to be paid for such produce;

(b) a clear price reference for any additional amount over and above the guaranteed price, including bonus or premium, to ensure best value to the farmer and such price reference may be linked to the prevailing prices in specified APMC yard or electronic trading and transaction platform or any other suitable benchmark prices:

Provided that the method of determining such price or guaranteed price or additional amount shall be annexed to the farming agreement.

6. (1) Where, under a farming agreement, the delivery of any farming produce is to be—

Sale or purchase of farming produce.

(a) taken by the Sponsor at the farm gate, he shall take such delivery within the agreed time;

(b) effected by the farmer, it shall be the responsibility of the Sponsor to ensure that all preparations for the timely acceptance of such delivery have been made.

(2) The Sponsor may, before accepting the delivery of any farming produce, inspect the quality or any other feature of such produce as specified in the farming agreement, otherwise, he shall be deemed to have inspected the produce and shall have no right to retract from acceptance of such produce at the time of its delivery or thereafter.

(3) The Sponsor shall,—

(a) where the farming agreement relates to seed production, make payment of not less than two-third of agreed amount at the time of delivery and the remaining amount after due certification, but not later than thirty days of delivery;

(b) in other cases, make payment of agreed amount at the time of accepting the delivery of farming produce and issue a receipt slip with details of the sale proceeds.

(4) The State Government may prescribe the mode and manner in which payment shall be made to the farmer under sub-section (3).

7. (1) Where a farming agreement has been entered into in respect of any farming produce under this Ordinance, such produce shall be exempt from the application of any State Act, by whatever name called, established for the purpose of regulation of sale and purchase of such farming produce.

Exemptions with respect to farming produce.

(2) Notwithstanding anything contained in the Essential Commodities Act, 1955 or in any control order issued thereunder or in any other law for the time being in force, any obligation related to stock limit shall not be

applicable to such quantities of farming produce as are purchased under a farming agreement entered into in accordance with the provisions of this Ordinance.

8. No farming agreement shall be entered into for the purpose of—

(a) any transfer, including sale, lease and mortgage of the land or premises of the farmer; or

(b) raising any permanent structure or making any modification on the land or premises of the farmer, unless the Sponsor agrees to remove such structure or to restore the land to its original condition, at his cost, on the conclusion of the agreement or expiry of the agreement period, as the case may be:

Provided that where such structure is not removed as agreed by the Sponsor, the ownership of such structure shall vest with the farmer after conclusion of the agreement or expiry of the agreement period, as the case may be.

9. A Farming agreement may be linked with insurance or credit instrument under any scheme of the Central Government or State Government or any financial service provider to ensure risk mitigation and flow of credit to farmer or Sponsor or both.

10. Save as otherwise provided in the Ordinance, an aggregator or farm service provider may become a party to the farming agreement and in such case, the role and services of such aggregator or farm service provider shall be explicitly mentioned in such farming agreement.

Explanation.— For the purposes of this section,—

(i) “aggregator” means any person, including a Farmer Producer Organisation, who acts as an intermediary between a farmer or a group of farmers and a Sponsor and provides aggregation related services to both farmers and Sponsor;

(ii) “farm service provider” means any person who provides farm services.

11. At any time after entering into a farming agreement, the parties to such agreement may, with mutual consent, alter or terminate such agreement for any reasonable cause.

Sponsor prohibited from acquiring ownership rights or making permanent modifications on farmer's land or premises.

Linkage of farming agreement with insurance or credit.

Other parties to farming agreement.

Alteration or termination of farming agreement.

12. (1) A State Government may notify a Registration Authority to provide for electronic registry for that State that provides facilitative framework for registration of farming agreements.

Establishment of
Registration
Authority

(2) The constitution, composition, powers and functions of the Registration Authority and the procedure for registration shall be such as may be prescribed by the State Government.

CHAPTER III

DISPUTE SETTLEMENT

13. (1) Every farming agreement shall explicitly provide for a conciliation process and formation of a conciliation board consisting of representatives of parties to the agreement:

Conciliation
board for dispute
settlement.

Provided that representation of parties in such conciliation board shall be fair and balanced.

(2) A dispute arising from any farming agreement shall be first referred to the conciliation board formed as per the provisions of the farming agreement and every endeavour shall be made by such board to bring about settlement of such dispute.

(3) Where, in respect of any dispute, a settlement is arrived during the course of conciliation proceeding, a memorandum of settlement shall be drawn accordingly and signed by the parties to such dispute and such settlement shall be binding on the parties.

14. (1) Where, the farming agreement does not provide for conciliation process as required under sub-section (1) of section 13, or the parties to the farming agreement fail to settle their dispute under that section within a period of thirty days, then, any such party may approach the concerned Sub-Divisional Magistrate who shall be the Sub-divisional Authority for deciding the disputes under farming agreements.

Mechanism for
dispute
resolution.

(2) On receipt of a dispute under sub-section (1), the Sub-Divisional Authority may, if—

(a) the farming agreement did not provide for conciliation process, constitute a conciliation board for bringing about settlement of such dispute; or

(b) the parties failed to settle their dispute through conciliation process, decide the dispute in a summary manner within thirty days from the date of receipt of such

dispute, after giving the parties a reasonable opportunity of being heard and pass an order for recovery of the amount under dispute, with such penalty and interest, as it deems fit, subject to the following conditions, namely:—

(i) where the sponsor fails to make payment of the amount due to the farmer, such penalty may extend to one and half times the amount due;

(ii) where the order is against the farmer for recovery of the amount due to the Sponsor on account of any advance payment or cost of inputs, as per terms of farming agreement, such amount shall not exceed the actual cost incurred by the sponsor;

(iii) where the farming agreement in dispute is in contravention of the provisions of the Ordinance, or default by the farmer is due to force majeure, then, no order for recovery of amount shall be passed against the farmer.

(3) Every order passed by the Sub-Divisional Authority under this section shall have same force as a decree of a civil court and be enforceable in the same manner as that of a decree under the Code of Civil Procedure, 1908, unless an appeal is preferred under sub-section (4).

(4) Any party aggrieved by the order of the Sub-Divisional Authority may prefer an appeal to the Appellate Authority, which shall be presided over by the Collector or Additional Collector nominated by the Collector, within thirty days from the date of such order.

(5) The Appellate Authority shall dispose of the appeal within thirty days.

(6) Every order passed by the Appellant Authority under this section shall have same force as a decree of a civil court and be enforceable in the same manner as that of a decree under the Code of Civil Procedure, 1908.

(7) The amount payable under any order passed by the Sub-Divisional Authority or the Appellant Authority, as the case may be, may be recovered as arrears of land revenue.

(8) The Sub-Divisional Authority or the Appellate Authority shall, while deciding disputes under this section, have all the powers of a civil court for the purposes of taking evidence on oath, enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects and for such other

purposes as may be prescribed by the Central Government.

(9) The manner and procedure for filing a petition or an application before the Sub-Divisional Authority and an appeal before the Appellate Authority shall be such as may be prescribed by the Central Government.

15. Notwithstanding anything contained in section 14, no action for recovery of any amount due in pursuance of an order passed under that section, shall be initiated against the agricultural land of the farmer.

No action for recovery of dues against farmer's land.

CHAPTER IV MISCELLANEOUS

16. The Central Government may, from time to time, give such directions, as it may consider necessary, to the State Governments for effective implementation of the provisions of this Act and the State Governments shall comply with such directions.

Power of Central Government to give directions.

17. All authorities, including Registration Authority, Sub-Divisional Authority and Appellate Authority, constituted or prescribed under this Ordinance, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Authorities under Ordinance to be public servants.

18. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, the Registration Authority, the Sub-Divisional Authority, the Appellate Authority or any other person for anything which is in good faith done or intended to be done under the provisions of this Ordinance or any rule made thereunder.

Protection of action taken in good faith.

19. No civil Court shall have jurisdiction to entertain any suit or proceedings in respect of any dispute which a Sub-Divisional Authority or the Appellate Authority is empowered by or under this Ordinance to decide and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Ordinance or any rules made thereunder.

Bar jurisdiction of civil court.

20. The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any state law for the time being in force or in any instrument having effect by virtue of any such law other than this Ordinance:

Ordinance to have an overriding effect.

Provided that a farming agreement or such contract

entered into under any State law for the time being in force, or any rules made thereunder, before the date of coming into force of this Ordinance, shall continue to be valid for the period of such agreement or contract.

42 of 1956.

21. Nothing contained in this Ordinance, shall be applicable to the stock exchanges and clearing corporations recognised under the Securities Contracts (Regulation) Act, 1956 and the transactions undertaken therein.

Ordinance not to apply to stock exchanges and clearing corporations.

22. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance.

Power of Central Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) other purposes for which the Sub-Divisional Authority or the Appellate Authority shall have the powers of civil court under sub-section (8) of section 14;

(b) the manner and procedure for filing petition or application before the Sub-Divisional Authority, and an appeal before the Appellate Authority, under sub-section (9) of section 14;

(c) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules, by the Central Government.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance.

Power of State Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide

for all or any of the following matters, namely:—

- (a) the mode and manner of payment to the farmer under sub-section (4) of section 6;
 - (b) the constitution, composition, powers and functions of the Registration Authority, and the procedure for registration under sub-section (2) of section 12;
 - (c) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules, by the State Government.
- (3) Every rule made by the State Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

24. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for removing the difficulty.

Power to remove difficulties.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ଆର୍. ଶ୍ରୀନିବାସ) ପଦମନାବାଚାରୀ
 ପାଠ୍ୟକାରୀ ମୁଦ୍ରଣ ପଦମନାବାଚାରୀ
 ପାଠ୍ୟକାରୀ ମୁଦ୍ରଣ ପଦମନାବାଚାରୀ

PR-32

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂಪನ್ಮೂಲ 28 ಕೇಂದ್ರ 2020 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 20.09.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE AIRCRAFT (AMENDMENT) ACT, 2020 (NO. 13 OF 2020) ರ ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕ್ರಾನಿಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-आ.-20092020-221843
CG-DL-E-20092020-221843

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 38] नई दिल्ली, रविवार, सितम्बर 20, 2020/भाद्र 29, 1942 (शक)
No. 38] NEW DELHI, SUNDAY, SEPTEMBER 20, 2020/BHADRA 29, 1942 (SAKA)

इस भाग में मिन पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 20th September, 2020/Bhadra 29, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 19th September, 2020, and is hereby published for general information:—

THE AIRCRAFT (AMENDMENT) ACT, 2020

No. 13 of 2020

[19th September, 2020.]

An Act further to amend the Aircraft Act, 1934.

Be it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

22 of 1934.

- | | |
|--|--|
| <p>1. This Act may be called the Aircraft (Amendment) Act, 2020.</p> <p>2. In the Aircraft Act, 1934 (hereinafter referred to as the principal Act), in section 2,—</p> <p>(a) after clause (1), the following clause shall be inserted, namely:—</p> <p>'(1A) "Aircraft Accidents Investigation Bureau" means the Aircraft Accidents Investigation Bureau constituted under section 4C;';</p> <p>(b) after clause (2A), the following clauses shall be inserted, namely:—</p> <p>'(2B) "Bureau of Civil Aviation Security" means the Bureau of Civil Aviation Security constituted under section 4B;</p> <p>(2C) "Directorate General of Civil Aviation" means the Directorate General of Civil Aviation constituted under section 4A;'. </p> | <p>Short title.</p> <p>Amendment of section 2.</p> |
|--|--|

Substitution of new sections 4A, 4B, 4C and 4D for section 4A.

DIRECTORATE GENERAL OF CIVIL AVIATION.

BUREAU OF CIVIL AVIATION SECURITY.

AIRCRAFT ACCIDENTS INVESTIGATION BUREAU.

SUPERINTENDENCE OF CENTRAL GOVERNMENT.

3. For section 4A of the principal Act, the following sections shall be substituted, namely:—

"4A. (1) The Central Government may constitute a body to be known as the Directorate General of Civil Aviation, which shall be headed by an officer designated as the Director General of Civil Aviation to be appointed in this behalf by the Central Government by notification in the Official Gazette.

(2) The Directorate General of Civil Aviation shall be responsible for carrying out the safety oversight and regulatory functions in respect of matters specified in this Act or the rules made thereunder.

(3) The administration of the Directorate General of Civil Aviation shall vest in the Director General of Civil Aviation.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Civil Aviation may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government.

4B. (1) The Central Government may constitute a body to be known as the Bureau of Civil Aviation Security, which shall be headed by an officer designated as the Director General of Bureau of Civil Aviation Security to be appointed in this behalf by the Central Government by notification in the Official Gazette.

(2) The Bureau of Civil Aviation Security shall be responsible for carrying out the regulatory and oversight functions in respect of matters relating to civil aviation security specified in this Act or the rules made thereunder.

(3) The administration of the Bureau of Civil Aviation Security shall vest in the Director General of Bureau of Civil Aviation Security.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Bureau of Civil Aviation Security may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government.

4C. (1) The Central Government may constitute a body to be known as the Aircraft Accidents Investigation Bureau, which shall be headed by an officer designated as the Director General of Aircraft Accidents Investigation Bureau to be appointed in this behalf by the Central Government by notification in the Official Gazette.

(2) The Aircraft Accidents Investigation Bureau shall be responsible for carrying out the functions in respect of matters relating to investigation of aircraft accidents or incidents specified in this Act or the rules made thereunder.

(3) The administration of the Aircraft Accidents Investigation Bureau shall vest in the Director General of Aircraft Accidents Investigation Bureau.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Aircraft Accidents Investigation Bureau may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government.

4D. The superintendence of the Directorate General of Civil Aviation, the Bureau of Civil Aviation Security and the Aircraft Accidents Investigation Bureau shall vest in the Central Government, which shall have the power to issue directions to each of these organisations, on any matters falling under sub-section (2) of sections 4A, 4B and 4C, respectively, if it considers necessary and expedient so to do in the public interest."

4. In section 5 of the principal Act, in sub-section (2),—

Amendment
of section 5.

(i) after clause (gc), the following clause shall be inserted, namely:—

"(gd) the regulation of air navigation services, that is, aeronautical information services, aeronautical charting and cartography services, aeronautical meteorological services, search and rescue services, procedure for air navigation services and aircraft operations other than those referred to in clause (gb) and any other matter relating to air navigation services;";

(ii) clause (qq) shall be relettered as clause (qa) thereof and in clause (qa) as so relettered, the word "and" occurring at the end shall be omitted;

(iii) after clause (qa), the following clauses shall be inserted, namely:—

"(qb) safety oversight and regulatory functions;

(qc) regulatory and oversight functions in respect of matters relating to civil aviation security; and".

5. In section 5A of the principal Act,—

Amendment
of section 5A.

(i) in sub-section (I), for the brackets, letters and word "(gc), (h), (i), (m) and (qq)", the brackets, letters and word "(gc), (gd), (h), (i), (m), (qa) and (qb)" shall be substituted;

(ii) after sub-section (I), the following sub-sections shall be inserted, namely:—

"(IA) The Director General of Bureau of Civil Aviation Security or any other officer specially empowered in this behalf by the Central Government may, from time to time, by order, issue directions, consistent with the provisions of this Act and the rules made thereunder, with respect to any of the matters specified in clauses (e), (f), (gc) and (qc) of sub-section (2) of section 5, to any person or persons using any aerodrome, or engaged in the aircraft operations, air traffic control, maintenance and operation of aerodrome, or safeguarding civil aviation against acts of unlawful interference, in any case where the Director General of Bureau of Civil Aviation Security or such other officer is satisfied that in the interests of the security of India or to ensure security of civil aviation operations, it is necessary so to do.

(IB) On receipt of a representation from any person or otherwise, if it considers necessary and expedient to do so in the public interest, the Central Government may review any order passed under sub-section (I) or sub-section (IA) and issue directions to the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security, as the case may be, to rescind or modify such order.";

(iii) in sub-section (2), after the word, brackets and figure "sub-section (I)", the words, brackets, figures and letters "or sub-section (IA) or sub-section (IB)" shall be inserted.

6. In section 10 of the principal Act, in sub-section (IA),—

Amendment
of section 10.

(i) for the word, brackets and letters "clause (qq)", the word, brackets and letters "clause (qa)" shall be substituted;

(ii) for the words "ten lakh rupees" wherever they occur, the words "one crore rupees" shall be substituted.

7. After section 10 of the principal Act, the following sections shall be inserted, namely:—

"10A. (I) Notwithstanding anything contained in sub-section (2) of section 10, the Central Government may, in making any rule under section 4, 5, 7, 8, 8A or section 8B,

Insertion
of new
sections 10A
and 10B.

Adjudication
of penalties.

provide for imposition of penalty not exceeding rupees one crore for the contravention of any rule for which no other punishment has been provided elsewhere in the Act, or in the rules made thereunder, for such contravention.

(2) The Central Government may, by an order published in the Official Gazette, appoint such number of officers not below the rank of Deputy Secretary to the Government of India or equivalent, as it considers necessary, to be designated officers for adjudging penalty under sub-section (1), in such manner as the Central Government may, by notification in the Official Gazette, make rules.

(3) The Central Government may, while appointing designated officers under sub-section (2), also specify their jurisdiction in that order.

(4) Where the designated officer is satisfied that any contravention of the provisions of the rules has been committed by any person, he may, by an order in writing, impose penalty on such person stating the nature of contravention, the provision of rules which has been contravened and the reasons for imposing such penalty:

Provided that the designated officer shall, before imposing any penalty, give a reasonable opportunity of being heard to such person.

(5) Any person aggrieved by an order made under sub-section (4) may prefer an appeal to an appellate officer having jurisdiction in the matter who is next higher in rank to the designated officer who has passed such order.

(6) Every appeal under sub-section (5) shall be filed within thirty days from the date on which the copy of the order made by the designated officer is received by the aggrieved person and shall be in such form and manner, and be accompanied by such fees, as the Central Government may, by notification in the Official Gazette, make rules.

(7) The appellate officer may, after giving the parties to the appeal an opportunity of being heard, pass such order as he thinks fit, confirming, modifying or setting aside the order appealed against.

10B. Notwithstanding anything contained in this Act, if any person contravenes any of the provisions of this Act or the rules made thereunder, the licence, certificate or approval issued to such person under this Act may be suspended or cancelled in such manner as the Central Government may, by notification in the Official Gazette, make rules.”.

Cancellation
of licence or
certificate or
approval.

Amendment
of section 11.

8. In section 11 of the principal Act, for the words "ten lakh rupees", the words "one crore rupees" shall be substituted.

Amendment of
section 11A.

9. In section 11A of the principal Act, for the words "ten lakh rupees", the words "one crore rupees" shall be substituted.

Amendment of
section 11B.

10. In section 11B of the principal Act, in sub-section (1), for the words "ten lakh rupees", the words "one crore rupees" shall be substituted.

Insertion of
new sections
12A and 12B.

11. After section 12 of the principal Act, the following sections shall be inserted, namely:—

Composition
of offences.

"12A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under sections 10, 11, 11A, 11B and section 12 or under any rules made thereunder, may be compounded, either before or after the institution of any prosecution, by the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be, in such manner as the Central Government may, by notification in the Official Gazette, make rules.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date of commission of a similar offence which was earlier compounded or for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Central Government.

(4) Every application for the compounding of an offence shall be made in such manner as the Central Government may, by notification in the Official Gazette, make rules.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence by an officer referred to in sub-section (1) against the offender in relation to whom the offence is so compounded.

(6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought to the notice of the court in which the prosecution is pending, in writing, by the officer referred to in sub-section (1), and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(7) The composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded.

(8) No offence specified in sub-section (1) shall be compounded except as provided in this section.

12B. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by or with the previous sanction in writing by the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be.

Cognizance of offences.

(2) The complaint referred to in sub-section (1) shall be made within a period of one year from the date on which the offence came to the knowledge of the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try the offences under this Act.".

2 of 1974.

12. In section 19 of the principal Act, in sub-section (1),—

Amendment of section 19.

(a) after the words "or air forces of the Union", the words "or other armed forces of the Union constituted by any law for the time being in force" shall be inserted;

(b) the following proviso shall be inserted, namely:—

"Provided that any aircraft belonging to an armed force of the Union other than naval, military or air forces of the Union, for which the provisions of this Act and the rules made thereunder are applicable on the date of commencement of the Aircraft (Amendment) Act, 2020, shall continue to be so governed by this Act and the rules made thereunder till such date as the Central Government may, by notification in the Official Gazette, specify."

Transitional
provisions
relating to
existing
authorities.

13. Anything done, or any action or decision taken, or any order or direction issued, by any authority set up pursuant to the provisions of the principal Act or rules made thereunder, prior to the date of coming into force of this Act, shall, insofar as such action or decision or direction are relatable to the functions of the Directorate General of Civil Aviation or the Bureau of Civil Aviation Security or the Aircraft Accidents Investigation Bureau, as the case may be, shall be deemed to have been done or taken or issued by the Directorate General of Civil Aviation or the Bureau of Civil Aviation Security or the Aircraft Accidents Investigation Bureau, as the case may be, constituted under sections 4A, 4B and 4C, respectively, of this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪಾರ್ಲಾಪಕಾರ ಮತ್ತು ಪದನಿಯಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದಶೀರ್
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-33

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾತಾಜ 29 ಕೇಂದ್ರಾಪ್ಯ 2020

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 26.06.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಲಿಂಗ್‌ಪ್ರ ಸಂಚಿಕೆಯ
Part-II-Section-1ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE BANKING REGULATION (AMENDMENT)
ORDINANCE, 2020 (NO. 12 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-म.-26062020-220203
CG-DL-E-26062020-220203

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 37]

नई दिल्ली, शुक्रवार, चून 26, 2020/आषाढ़ 5, 1942 (शक)

No. 37।

NEW DELHI, FRIDAY, JUNE 26, 2020/ASHADHA 5, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 26th June, 2020/Ashadha 5, 1942 (Saka)***THE BANKING REGULATION (AMENDMENT)
ORDINANCE, 2020**

No. 12 OF 2020

Promulgated by the President in the Seventy-first Year
of the Republic of India.

An Ordinance further to amend the Banking
Regulation Act, 1949.

WHEREAS the Banking Regulation (Amendment) Bill, 2020 has been introduced in the House of the People
on the 3rd day of March, 2020;

AND WHEREAS the aforesaid Bill could not be
taken up for consideration and passing in the House of
the People;

AND WHEREAS Parliament is not in session and the
President is satisfied that circumstances exist which
render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers
conferred by clause (1) of article 123 of the Constitution,
the President is pleased to promulgate the following
Ordinance:—

1. (1) This Ordinance may be called the Banking Regulation (Amendment) Ordinance, 2020. Short title and commencement.

(2) It shall come into force at once, except section 4, which shall come into force on such date as the Central Government may by notification, appoint:

Provided that different dates may be appointed for state co-operative banks, central co-operative banks and primary co-operative banks and any reference in any such provision to the commencement of this Ordinance shall be construed as a reference to the coming into force of that provision.

10 of 1949. 2. In the Banking Regulation Act, 1949 (hereinafter referred to as the principal Act), for section 3, the following section shall be substituted, namely:— Substitution of new section for section 3.

61 of 1981. “3. Notwithstanding anything contained in the National Bank for Agriculture and Rural Development Act, 1981, this Act shall not apply to— Act not to apply to certain co-operative societies.

(a) a primary agricultural credit society; or

(b) a co-operative society whose primary object and principal business is providing of long-term finance for agricultural development,

if such society does not use as part of its name, or in connection with its business, the words “bank”, “banker” or “banking” and does not act as drawee of cheques.”.

3. In section 45 of the principal Act,— Amendment of section 45.

(i) in the marginal heading, for the word “reconstitution”, the word “reconstruction” shall be substituted;

(ii) in sub-section (3), after the words “other creditors”, the words “or grant any loans or advances or make investments in any credit instruments” shall be inserted;

(iii) in sub-section (4), after the words “During the period of moratorium”, the words “or at any other time” shall be inserted;

- (iv) in sub-section (5), in clauses (e), (i) and (j), for the words "date of the order of moratorium", the words "reconstruction or amalgamation" shall be substituted;
- (v) in sub-section (6), in clause (a), for the word "amalgamation", the words "reconstruction or amalgamation" shall be substituted;
- (vi) in sub-section (15), the words "or a subsidiary bank" shall be omitted.

4. In section 56 of the principal Act,—

Amendment of
section 56.

(A) in the opening portion, for the words "The provisions of this Act, as in force for the time being"; the words "Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act" shall be substituted;

(B) in clause (a), after sub-clause (ii), the following sub-clauses shall be inserted, namely:—

'(iii) references to "memorandum of association" or "articles of association" shall be construed as references to bye-laws;

1 of 1956.

(iv) references to the provisions of the Companies Act, 1956, except in Part III and Part IIIA, shall be construed as references to the corresponding provisions, if any, of the law under which a co-operative bank is registered;

(v) references to "Registrar" or "Registrar of Companies" shall be construed as references to "Central Registrar" or "Registrar of Co-operative Societies", as the case may be, under the law under which a co-operative bank is registered;';

(C) clause (d) shall be omitted;

(D) in clause (e), sub-clauses (i) and (iii) shall be omitted;

(E) in clause (f), in section 7 as so substituted, in sub-section (2),-

Issue and regulation of paid-up share capital and securities by co-operative banks.

(I) in clause (b), the words "or co-operative land mortgage banks" shall be omitted;

(II) in clause (c), in sub-clause (ii), the words "or a co-operative land mortgage bank" shall be omitted;

(F) clauses (fi), (fii) and (g) shall be omitted;

(G) for clause (i), the following clause shall be substituted, namely:—

'(i) for section 12, the following section shall be substituted, namely:—

"12. (1) A co-operative bank may, with the prior approval of the Reserve Bank, issue, by way of public issue or private placement,—

(i) equity shares or preference shares or special shares, on face value or at premium; and

(ii) unsecured debentures or bonds or other like securities with initial or original maturity of not less than ten years,

to any member of such co-operative bank or any other person residing within its area of operation, subject to such conditions and ceiling, limit or restriction on its issue or subscription or transfer, as may be specified by the Reserve Bank in this behalf.

(2) Save as otherwise provided in this Act,—

(i) no person shall be entitled to demand payment towards surrender of shares issued to him by a co-operative bank; and

(ii) a co-operative bank shall not withdraw or reduce its share capital, except to the extent and subject to such conditions as the Reserve Bank may specify in this behalf.";"

(H) clauses (l), (n) and (p) shall be omitted;

(I) in clause (q), sub-clauses (ii) and (iv) shall be omitted;

(J) clauses (r), (ria) and (sa) shall be omitted;

(K) in clause (t), sub-clause (i) shall be omitted;

(L) clauses (u), (v), (x), (y), (z) and (za) shall be omitted;

(M) in clause (zaa),-

(a) in section 36AAA as so inserted,-

(i) for the words "multi-State co-operative bank", wherever they occur, the words "co-operative bank" shall be substituted;

(ii) in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that in the case of a co-operative bank registered with the Registrar of Co-operative Societies of a State, the Reserve Bank shall issue such order in consultation with the concerned State Government seeking its comments, if any, within such period as the Reserve Bank may specify.";

(iii) after sub-section (9), the following sub-section shall be inserted, namely:-

"(10) The provisions of section 36ACA shall not apply to a co-operative bank.";

(b) section 36AAB as so inserted shall be omitted;

(N) for clause (zb), the following clause shall be substituted, namely:-

"(zb) Part II C shall be omitted;"

(O) in clause (zc), sub-clause (i) shall be omitted;

(P) clauses (zd) and (zf) shall be omitted;

(Q) for clause (zg), the following clause shall be substituted, namely:-

'(zg) in section 49B, references to "Central Government" shall be construed as references to "Central Registrar" or "Registrar of Co-operative Societies", as the case may be, under the law under which a co-operative bank is registered;';

(R) clause (zh) shall be omitted;

(S) for clause (zj), the following clause shall be substituted, namely:—

'(zj) after section 53, the following section shall be inserted, namely:—

Power to exempt
co-operative
banks in certain
cases.

"53A. Notwithstanding anything contained in any other provisions of this Act, the Reserve Bank may, from time to time, on being satisfied that it is necessary so to do, declare, by notification in the Official Gazette, that the provisions of item (iii) of clause (b) of sub-section (1) and sub-section (2), of section 10, clause (a) of sub-section (2) of section 10A, sub-section (1A) of section 10B and clause (b) of sub-section (1) of section 35B of this Act shall not apply to a co-operative bank or class of co-operative banks, either generally or for such period as may be specified therein, subject to such conditions, limitations or restrictions as it may think fit to impose.".

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರ್ಥಕಾರ ಮತ್ತು ಪದನಿಯಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದಲ್ಲಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-34

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾತಾಙ್ಗ 30 ಕೇಂದ್ರಾಪ್ಯ 2020

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 20.09.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಲಿಂಗ್‌ಪ ಸಂಚಿಕೆಯ
Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ THE AIRCRAFT (AMENDMENT) ACT,
2020 (NO. 13 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ
ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-20092020-221843
CG-DL-E-20092020-221843

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 38]

नई दिल्ली, रविवार, सितम्बर 20, 2020/ भाद्र 29, 1942 (शक)

No. 38] NEW DELHI, SUNDAY, SEPTEMBER 20, 2020/BHADRA 29, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 20th September, 2020/Bhadra 29, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 19th September, 2020, and is hereby published for general information:—

THE AIRCRAFT (AMENDMENT) ACT, 2020

No. 13 of 2020

[19th September, 2020.]

An Act further to amend the Aircraft Act, 1934.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

22 of 1934.

1. This Act may be called the Aircraft (Amendment) Act, 2020. Short title.
2. In the Aircraft Act, 1934 (hereinafter referred to as the principal Act), in section 2,— Amendment of section 2.
 - (a) after clause (1), the following clause shall be inserted, namely:—

'(IA) "Aircraft Accidents Investigation Bureau" means the Aircraft Accidents Investigation Bureau constituted under section 4C;';
 - (b) after clause (2A), the following clauses shall be inserted, namely:—

'(2B) "Bureau of Civil Aviation Security" means the Bureau of Civil Aviation Security constituted under section 4B;

'(2C) "Directorate General of Civil Aviation" means the Directorate General of Civil Aviation constituted under section 4A;';

Substitution of
new sections
4A, 4B, 4C
and 4D for
section 4A.

Direktorate
General of
Civil Aviation.

Bureau of
Civil Aviation
Security.

Aircraft
Accidents
Investigation
Bureau.

Superintendence
of Central
Government.

3. For section 4A of the principal Act, the following sections shall be substituted, namely:—

"**4A. (1)** The Central Government may constitute a body to be known as the Directorate General of Civil Aviation, which shall be headed by an officer designated as the Director General of Civil Aviation to be appointed in this behalf by the Central Government by notification in the Official Gazette.

(2) The Directorate General of Civil Aviation shall be responsible for carrying out the safety oversight and regulatory functions in respect of matters specified in this Act or the rules made thereunder.

(3) The administration of the Directorate General of Civil Aviation shall vest in the Director General of Civil Aviation.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Civil Aviation may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government.

4B. (1) The Central Government may constitute a body to be known as the Bureau of Civil Aviation Security, which shall be headed by an officer designated as the Director General of Bureau of Civil Aviation Security to be appointed in this behalf by the Central Government by notification in the Official Gazette.

(2) The Bureau of Civil Aviation Security shall be responsible for carrying out the regulatory and oversight functions in respect of matters relating to civil aviation security specified in this Act or the rules made thereunder.

(3) The administration of the Bureau of Civil Aviation Security shall vest in the Director General of Bureau of Civil Aviation Security.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Bureau of Civil Aviation Security may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government.

4C. (1) The Central Government may constitute a body to be known as the Aircraft Accidents Investigation Bureau, which shall be headed by an officer designated as the Director General of Aircraft Accidents Investigation Bureau to be appointed in this behalf by the Central Government by notification in the Official Gazette.

(2) The Aircraft Accidents Investigation Bureau shall be responsible for carrying out the functions in respect of matters relating to investigation of aircraft accidents or incidents specified in this Act or the rules made thereunder.

(3) The administration of the Aircraft Accidents Investigation Bureau shall vest in the Director General of Aircraft Accidents Investigation Bureau.

(4) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Director General of Aircraft Accidents Investigation Bureau may also be exercisable by any other officer or authority specially empowered in this behalf by the Central Government.

4D. The superintendence of the Directorate General of Civil Aviation, the Bureau of Civil Aviation Security and the Aircraft Accidents Investigation Bureau shall vest in the Central Government, which shall have the power to issue directions to each of these organisations, on any matters falling under sub-section (2) of sections 4A, 4B and 4C, respectively, if it considers necessary and expedient so to do in the public interest.".

4. In section 5 of the principal Act, in sub-section (2),—

Amendment
of section 5.

(i) after clause (gc), the following clause shall be inserted, namely:—

"(gd) the regulation of air navigation services, that is, aeronautical information services, aeronautical charting and cartography services, aeronautical meteorological services, search and rescue services, procedure for air navigation services and aircraft operations other than those referred to in clause (gb) and any other matter relating to air navigation services;";

(ii) clause (qq) shall be relettered as clause (qa) thereof and in clause (qa) as so relettered, the word "and" occurring at the end shall be omitted;

(iii) after clause (qa), the following clauses shall be inserted, namely:—

"(qb) safety oversight and regulatory functions;

(qc) regulatory and oversight functions in respect of matters relating to civil aviation security; and".

5. In section 5A of the principal Act,—

Amendment
of section 5A.

(i) in sub-section (1), for the brackets, letters and word "(gc), (h), (i), (m) and (qq)", the brackets, letters and word "(gc), (gd), (h), (i), (m), (qa) and (qb)" shall be substituted;

(ii) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(IA) The Director General of Bureau of Civil Aviation Security or any other officer specially empowered in this behalf by the Central Government may, from time to time, by order, issue directions, consistent with the provisions of this Act and the rules made thereunder, with respect to any of the matters specified in clauses (e), (f), (gc) and (qc) of sub-section (2) of section 5, to any person or persons using any aerodrome, or engaged in the aircraft operations, air traffic control, maintenance and operation of aerodrome, or safeguarding civil aviation against acts of unlawful interference, in any case where the Director General of Bureau of Civil Aviation Security or such other officer is satisfied that in the interests of the security of India or to ensure security of civil aviation operations, it is necessary so to do.

(IB) On receipt of a representation from any person or otherwise, if it considers necessary and expedient to do so in the public interest, the Central Government may review any order passed under sub-section (1) or sub-section (IA) and issue directions to the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security, as the case may be, to rescind or modify such order.";

(iii) in sub-section (2), after the word, brackets and figure "sub-section (1)", the words, brackets, figures and letters "or sub-section (IA) or sub-section (IB)" shall be inserted.

6. In section 10 of the principal Act, in sub-section (IA),—

Amendment
of section 10.

(i) for the word, brackets and letters "clause (qq)", the word, brackets and letters "clause (qa)" shall be substituted;

(ii) for the words "ten lakh rupees" wherever they occur, the words "one crore rupees" shall be substituted.

7. After section 10 of the principal Act, the following sections shall be inserted, namely:—

Insertion
of new
sections 10A
and 10B.

"10A. (1) Notwithstanding anything contained in sub-section (2) of section 10, the Central Government may, in making any rule under section 4, 5, 7, 8, 8A or section 8B,

Adjudication
of penalties.

provide for imposition of penalty not exceeding rupees one crore for the contravention of any rule for which no other punishment has been provided elsewhere in the Act, or in the rules made thereunder, for such contravention.

(2) The Central Government may, by an order published in the Official Gazette, appoint such number of officers not below the rank of Deputy Secretary to the Government of India or equivalent, as it considers necessary, to be designated officers for adjudging penalty under sub-section (1), in such manner as the Central Government may, by notification in the Official Gazette, make rules.

(3) The Central Government may, while appointing designated officers under sub-section (2), also specify their jurisdiction in that order.

(4) Where the designated officer is satisfied that any contravention of the provisions of the rules has been committed by any person, he may, by an order in writing, impose penalty on such person stating the nature of contravention, the provision of rules which has been contravened and the reasons for imposing such penalty:

Provided that the designated officer shall, before imposing any penalty, give a reasonable opportunity of being heard to such person.

(5) Any person aggrieved by an order made under sub-section (4) may prefer an appeal to an appellate officer having jurisdiction in the matter who is next higher in rank to the designated officer who has passed such order.

(6) Every appeal under sub-section (5) shall be filed within thirty days from the date on which the copy of the order made by the designated officer is received by the aggrieved person and shall be in such form and manner, and be accompanied by such fees, as the Central Government may, by notification in the Official Gazette, make rules.

(7) The appellate officer may, after giving the parties to the appeal an opportunity of being heard, pass such order as he thinks fit, confirming, modifying or setting aside the order appealed against.

Cancellation
of licence or
certificate or
approval.

10B. Notwithstanding anything contained in this Act, if any person contravenes any of the provisions of this Act or the rules made thereunder, the licence, certificate or approval issued to such person under this Act may be suspended or cancelled in such manner as the Central Government may, by notification in the Official Gazette, make rules.".

Amendment
of section 11.

8. In section 11 of the principal Act, for the words "ten lakh rupees", the words "one crore rupees" shall be substituted.

Amendment of
section 11A.

9. In section 11A of the principal Act, for the words "ten lakh rupees", the words "one crore rupees" shall be substituted.

Amendment of
section 11B.

10. In section 11B of the principal Act, in sub-section (1), for the words "ten lakh rupees", the words "one crore rupees" shall be substituted.

Insertion of
new sections
12A and 12B.

11. After section 12 of the principal Act, the following sections shall be inserted, namely:—

Composition
of offences.

"12A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under sections 10, 11, 11A, 11B and section 12 or under any rules made thereunder, may be compounded, either before or after the institution of any prosecution, by the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be, in such manner as the Central Government may, by notification in the Official Gazette, make rules.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date of commission of a similar offence which was earlier compounded or for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Central Government.

(4) Every application for the compounding of an offence shall be made in such manner as the Central Government may, by notification in the Official Gazette, make rules.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence by an officer referred to in sub-section (1) against the offender in relation to whom the offence is so compounded.

(6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought to the notice of the court in which the prosecution is pending, in writing, by the officer referred to in sub-section (1), and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(7) The composition of an offence under this section shall have the effect of an acquittal of the accused with whom the offence has been compounded.

(8) No offence specified in sub-section (1) shall be compounded except as provided in this section.

12B. (1) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by or with the previous sanction in writing by the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be.

Cognizance of offences.

(2) The complaint referred to in sub-section (1) shall be made within a period of one year from the date on which the offence came to the knowledge of the Director General of Civil Aviation or Director General of Bureau of Civil Aviation Security or Director General of Aircraft Accidents Investigation Bureau, as the case may be.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try the offences under this Act."

2 of 1974.

12. In section 19 of the principal Act, in sub-section (1),—

Amendment of section 19.

(a) after the words "or air forces of the Union", the words "or other armed forces of the Union constituted by any law for the time being in force" shall be inserted;

(b) the following proviso shall be inserted, namely:—

"Provided that any aircraft belonging to an armed force of the Union other than naval, military or air forces of the Union, for which the provisions of this Act and the rules made thereunder are applicable on the date of commencement of the Aircraft (Amendment) Act, 2020, shall continue to be so governed by this Act and the rules made thereunder till such date as the Central Government may, by notification in the Official Gazette, specify.".

Transitional
provisions
relating to
existing
authorities.

13. Anything done, or any action or decision taken, or any order or direction issued, by any authority set up pursuant to the provisions of the principal Act or rules made thereunder, prior to the date of coming into force of this Act, shall, insofar as such action or decision or direction are relatable to the functions of the Directorate General of Civil Aviation or the Bureau of Civil Aviation Security or the Aircraft Accidents Investigation Bureau, as the case may be, shall be deemed to have been done or taken or issued by the Directorate General of Civil Aviation or the Bureau of Civil Aviation Security or the Aircraft Accidents Investigation Bureau, as the case may be, constituted under sections 4A, 4B and 4C, respectively, of this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪಾರ್ಲಾಪಕಾರ ಮತ್ತು ಪದನಿಯಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದಲ್ಲಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-35

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾತಾಜ 31 ಕೇಂದ್ರಾಪ್ಯ 2020

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 20.01.2021.

ದಿನಾಂಕ: 21.09.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ
Part-II-Section-1ರಲ್ಲಿ ಪ್ರಕಟಿಸಾದ THE NATIONAL COMMISSION FOR INDIAN
SYSTEM OF MEDICINE ACT, 2020 (NO. 14 OF 2020) ಅನ್ನು ಸಾರ್ವಜನಿಕರ
ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-22092020-221863

CG-DL-E-22092020-221863

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 39]

नई दिल्ली, सोमवार, सितम्बर 21, 2020/ भाद्र 30, 1942 (शक)

No. 39] NEW DELHI, MONDAY, SEPTEMBER 21, 2020/BHADRA 30, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 21st September, 2020/Bhadra 30, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 20th September, 2020 and is hereby published for general information:—

THE NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE ACT, 2020

No. 14 OF 2020

[20th September, 2020.]

An Act to provide for a medical education system that improves access to quality and affordable medical education, ensures availability of adequate and high quality medical professionals of Indian System of Medicine in all parts of the country; that promotes equitable and universal healthcare that encourages community health perspective and makes services of such medical professionals accessible and affordable to all the citizens; that promotes national health goals; that encourages such medical professionals to adopt latest medical research in their work and to contribute to research; that has an objective periodic and transparent assessment of medical institutions and facilitates maintenance of a medical register of Indian System of Medicine for India and enforces high ethical standards in all aspects of medical services; that is flexible to adapt to the changing needs and has an effective grievance redressal mechanism and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

**Short title,
extent and
commencement.**

1. (1) This Act may be called the National Commission for Indian System of Medicine Act, 2020.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Autonomous Board" means any of the Autonomous Boards constituted under section 18;

(b) "Board of Ayurveda" means the Board constituted under section 18;

(c) "Board of Ethics and Registration for Indian System of Medicine" means the Board constituted under section 18;

(d) "Board of Unani, Siddha and Sowa-Rigpa" means the Board constituted under section 18;

(e) "Chairperson" means the Chairperson of the National Commission for Indian System of Medicine appointed under section 5;

(f) "Commission" means the National Commission for Indian System of Medicine constituted under section 3;

(g) "Council" means the Advisory Council for Indian System of Medicine constituted under section 11;

(h) "Indian System of Medicine" means the Ashtang Ayurveda, Unani, Siddha and Sowa-Rigpa Systems of Medicine supplemented by such modern advances, scientific and technological development as the Commission may, in consultation with the Central Government, declare by notification from time to time;

(i) "licence" means a licence to practice any of the Indian System of Medicine granted under sub-section (1) of section 33;

(j) "Medical Assessment and Rating Board for Indian System of Medicine" means the Board constituted under section 18;

(k) "medical institution" means any institution within or outside India which, grants degrees, diplomas or licences in Indian System of Medicine and includes affiliated colleges and deemed to be Universities;

(l) "Member" means a Member of the Commission referred to in section 4 and includes the Chairperson thereof;

(m) "National Register" means a National Medical Register for Indian System of Medicine maintained by the Board of Ethics and Registration for Indian System of Medicine under section 32;

(n) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(o) "prescribed" means prescribed by rules made under this Act;

(p) "President" means the President of an Autonomous Board appointed under section 20;

(q) "regulations" means the regulations made by the Commission under this Act;

(r) "State Medical Council" means a State Medical Council of Indian System of Medicine constituted under any law for the time being in force in any State or Union territory for regulating the practice and registration of practitioners of Indian System of Medicine in that State or Union territory;

(s) "State Register" means a State Register for Indian System of Medicine maintained under any law for the time being in force in any State or Union territory for registration of practitioners of Indian System of Medicine;

(t) "University" shall have the same meaning as assigned to it in clause (f) of section 2 of the University Grants Commission Act, 1956 and includes a health university.

3 of 1956.

CHAPTER II

NATIONAL COMMISSION FOR INDIAN SYSTEM OF MEDICINE

3. (1) The Central Government shall, by notification, constitute a Commission, to be known as the National Commission for Indian System of Medicine, to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

Constitution
of National
Commission
for Indian
System of
Medicine.

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The head office of the Commission shall be at New Delhi.

4. (1) The Commission shall consist of the following persons, namely:—

Composition
of
Commission.

- (a) a Chairperson;
- (b) fifteen *ex officio* Members; and
- (c) twenty-three part-time Members.

(2) The Chairperson shall be a person of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any of the disciplines of Indian System of Medicine from a recognised University and having experience of not less than twenty years in any field of Indian System of Medicine, out of which at least ten years shall be as a leader in the area of healthcare delivery, growth and development of Indian System of Medicine or its education.

(3) The following persons shall be appointed by the Central Government as *ex officio* Members of the Commission, namely:—

- (a) the President of the Board of Ayurveda;
- (b) the President of the Board of Unani, Siddha and Sowa-Rigpa;
- (c) the President of the Medical Assessment and Rating Board for Indian System of Medicine;
- (d) the President of the Board of Ethics and Registration for Indian System of Medicine;
- (e) Advisor (Ayurveda) or Joint Secretary to the Government of India in-charge of Ayurveda and Advisor (Unani) or Joint Secretary to the Government of India in-charge of Unani, in the Ministry of AYUSH;
- (f) the Director, All India Institute of Ayurveda, New Delhi;
- (g) the Director General, Central Council for Research in Ayurvedic Sciences, New Delhi;
- (h) the Director General, Central Council for Research in Unani Medicine, New Delhi;
- (i) the Director General, Central Council for Research in Siddha, Chennai;
- (j) the Director, National Institute of Siddha, Chennai;
- (k) the Director, National Institute of Unani, Bengaluru;
- (l) the Director, North Eastern Institute on Ayurveda and Homoeopathy, Shillong;
- (m) the Director, Institute of Post Graduate Teaching and Research in Ayurveda, Jamnagar; and
- (n) the Director, National Institute of Ayurveda, Jaipur.

(4) The following persons shall be appointed by the Central Government as part-time Members of the Commission, namely:—

(a) four Members to be appointed from amongst persons of ability, integrity and standing, who have special knowledge and professional experience in any of the disciplines of Indian System of Medicine, Sanskrit, Urdu, Tamil, management, law, health research, science and technology and economics;

(b) ten Members to be appointed on rotational basis from amongst the nominees of the States and Union territories in the Advisory Council for Indian System of Medicine for a term of two years in such manner as may be prescribed;

(c) six members from Ayurveda, one member each from Siddha, Unani and Sowa-Rigpa, to be appointed from amongst the nominees of the States and Union territories, under clause (d) of sub-section (2) of section 11, in the Advisory Council for Indian System of Medicine, for a term of two years in such manner as may be prescribed:

Provided that no Member shall either himself or through any of his family members, directly or indirectly, own or be associated with or have any dealings with the managing body of a private or non-government medical institution which is regulated under this Act.

Explanation.—For the purpose of this section and section 19, the term “leader” means the Head of a Department or the Head of an Organisation.

Search Committee for appointment of Chairperson and Members.

5. (1) The Central Government shall appoint the Chairperson, referred to in section 4 and the President of the Autonomous Boards referred to in section 20 on the recommendation of a Search Committee consisting of—

(a) the Cabinet Secretary—Chairperson;

(b) two experts, possessing outstanding qualifications and experience of not less than twenty-five years in any of the fields of Indian System of Medicine, to be nominated by the Central Government—Members;

(c) one expert, from amongst the Members referred to in clause (c) of sub-section (4) of section 4, to be nominated by the Central Government in such manner as may be prescribed—Member;

(d) one person, possessing outstanding qualifications and experience of not less than twenty-five years in the field of Sanskrit, Urdu, Tamil, health research, management, law, economics or science and technology, to be nominated by the Central Government—Member;

(e) the Secretary to the Government of India in charge of the Ministry of AYUSH, to be the Convenor—Member:

Provided that for selection of part-time Members of the Commission referred to in clause (a) of sub-section (4) of section 4, the Secretary referred to in section 8 and other Members of the Autonomous Boards referred to in section 20, the Search Committee shall consist of Members specified in the clauses (b) to (d) and Joint Secretary to the Government of India in the Ministry of AYUSH as Convenor-Member and chaired by Secretary to the Government of India in charge of the Ministry of AYUSH.

(2) The Central Government shall, within one month from the date of occurrence of any vacancy, including by reason of death, resignation or removal of the Chairperson or a Member, or within three months before the end of tenure of the Chairperson or Member, make a reference to the Search Committee for filling up of the vacancy.

(3) The Search Committee shall recommend a panel of at least three names for every vacancy referred to it.

(4) Before recommending any person for appointment as the Chairperson or a Member of the Commission, the Search Committee shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Member.

(5) No appointment of the Chairperson or Member shall be invalid merely by reason of any vacancy or absence of a Member in the Search Committee.

(6) Subject to the provisions of sub-sections (2) to (5), the Search Committee may regulate its own procedure.

6. (1) The Chairperson and Members (other than *ex officio* Members) and Members appointed under clause (b) of sub-section (4) of section 4 shall hold office for a term not exceeding four years and shall not be eligible for any extension or re-appointment:

Provided that such person shall cease to hold office after attaining the age of seventy years.

(2) The term of office of an *ex officio* Member shall continue as long as he holds the office by virtue of which he is such Member.

(3) Where a Member, other than an *ex officio* Member, is absent from three consecutive ordinary meetings of the Commission and the cause of such absence is not attributable to any valid reason in the opinion of the Commission, such Member shall be deemed to have vacated the seat.

(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson and Member, other than an *ex officio* Member, shall be such as may be prescribed.

(5) The Chairperson or a Member may,—

(a) relinquish his office by giving in writing a notice of not less than three months to the Central Government; or

(b) be removed from his office in accordance with the provisions of section 7:

Provided that such person may be relieved from duties earlier than three months or allowed to continue beyond three months until a successor is appointed, if the Central Government so decides.

(6) The Chairperson and every Member of the Commission shall make declaration of his assets and liabilities at the time of entering upon his office and at the time of demitting his office and also declare his professional and commercial engagement or involvement, in such form and manner as may be prescribed, and such declaration shall be published on the website of the Commission.

(7) The Chairperson or a Member, ceasing to hold office as such, shall not accept, for a period of two years from the date of demitting such office, any employment, in any capacity, including as a consultant or an expert, in any private Medical institution of Indian System of Medicine or, whose matter has been dealt with by such Chairperson or Member, directly or indirectly:

Provided that nothing contained herein shall be construed as preventing such person from accepting an employment in a body or institution including Medical institution of Indian System of Medicine, controlled or maintained by the Central Government or a State Government.

(8) Nothing in sub-section (7) shall prevent the Central Government from permitting the Chairperson or a Member to accept any employment in any capacity, including as a consultant or an expert, in any private Medical institution of Indian System of Medicine, whose matter has been dealt with by such Chairperson or Member.

7. (1) The Central Government may, by order, remove from office, the Chairperson or any other Member, who—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as the Chairperson or a Member; or

Term of office and conditions of service of Chairperson and Members.

Removal of Chairperson and Members of Commission.

(d) is of unsound mind and stands so declared by a competent court; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(f) has so abused his position as to render his continuance in office prejudicial to public interest.

(2) No Member shall be removed under clauses (e) and (f) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

Appointment of Secretary, experts, professionals, officers and other employees of Commission.

8. (1) There shall be a Secretariat for the Commission to be headed by a Secretary, to be appointed by the Central Government in accordance with the provisions of section 5.

(2) The Secretary of the Commission shall be a person of proven administrative capacity and integrity, possessing such qualifications and experience as may be prescribed.

(3) The Secretary shall be appointed by the Central Government for a term of four years and he shall not be eligible for any extension or re-appointment.

(4) The Secretary shall discharge such functions of the Commission as are assigned to him by the Commission and as may be specified by regulations made under this Act.

(5) The Commission may appoint such officers and other employees, as it considers necessary, against the posts created by the Central Government for the efficient discharge of its functions under this Act.

(6) The salaries and allowances payable to, and other terms and conditions of service of the Secretary, officers and other employees of the Commission shall be such as may be prescribed.

(7) The Commission may engage, in accordance with the procedure specified by regulations, such number of experts and professionals of integrity and outstanding ability, who have special knowledge of Indian System of Medicine, and experience in fields including medical education in Indian System of Medicine, public health, management, economics, accreditation, patient advocacy, health research, science and technology, administration, finance, accounts or law as it deems necessary, to assist the Commission in the discharge of its functions under this Act.

Meetings of Commission.

9. (1) The Commission shall meet at least once every quarter at such time and place as may be appointed by the Chairperson.

(2) The Chairperson shall preside at the meeting of the Commission and if, for any reason, the Chairperson is unable to attend a meeting of the Commission, any Member being the President of the Autonomous Boards, nominated by the Chairperson shall preside at the meeting.

(3) Unless the procedure to be followed at the meetings of the Commission is otherwise provided by regulations, one-half of the total number of Members of the Commission including the Chairperson shall constitute the quorum and all decisions of the Commission shall be taken by a majority of the members, present and voting and in the event of equality of votes, the Chairperson or in his absence, the President of the Autonomous Board nominated under sub-section (2), shall have the casting vote.

(4) The general superintendence, direction and control of the administration of the Commission shall vest in the Chairperson.

(5) No act or proceeding of the Commission shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Commission; or

(b) any defect in the appointment of a person acting as a Chairperson or as a Member.

(6) A person who is aggrieved by any decision of the Commission, except the decision rendered under sub-section (4) of section 31, may prefer an appeal to the Central Government against such decision within fifteen days of the communication of such decision.

10. (1) The Commission shall perform the following functions, namely:—

- (a) lay down policies for maintaining a high quality and high standards in education of Indian System of Medicine and make necessary regulations in this behalf;
- (b) lay down policies for regulating medical institutions, medical researches and medical professionals and make necessary regulations in this behalf;
- (c) assess the requirements in healthcare, including human resources for health and healthcare infrastructure and develop a road map for meeting such requirements;
- (d) frame guidelines and lay down policies by making such regulations as may be necessary for the proper functioning of the Commission, the Autonomous Boards and the State Medical Councils of Indian System of Medicine;
- (e) ensure coordination among the Autonomous Boards;
- (f) take such measures, as may be necessary, to ensure compliance by the State Medical Councils of Indian System of Medicine of the guidelines framed and regulations made under this Act for their effective functioning under this Act;
- (g) exercise appellate jurisdiction with respect to decisions of the Autonomous Boards;
- (h) ensure observance of professional ethics in Medical profession and to promote ethical conduct during the provision of care by medical practitioners;
- (i) frame guidelines for determination of fees and all other charges in respect of fifty per cent. of seats in private medical institutions and deemed to be Universities which are governed under the provisions of this Act;
- (j) exercise such other powers and perform such other functions as may be prescribed.

(2) All orders and decisions of the Commission shall be authenticated by signature of the Secretary and the Commission may delegate such of its powers on administrative and financial matters, as it deems fit, to the Secretary.

(3) The Commission may constitute sub-committees and delegate such of its powers to them as may be necessary to enable them to accomplish specific tasks.

Power and
functions of
Commission.

CHAPTER III

ADVISORY COUNCIL FOR INDIAN SYSTEM OF MEDICINE

11. (1) The Central Government shall, by notification, constitute an advisory body to be known as the Advisory Council for Indian System of Medicine.

(2) The Council shall consist of a Chairperson and the following members, namely:—

(a) the Chairperson of the Commission shall be the *ex officio* Chairperson of the Council;

(b) every Member of the Commission shall be *ex officio* member of the Council;

(c) one member, to represent each State, who is the Vice-Chancellor of a University in that State, possessing qualifications in the Indian System of medicine, to be nominated by that State Government; and one member to represent each Union territory, who is the Vice-chancellor of a University in that Union territory, possessing qualifications in the Indian System of Medicine, to be nominated by the Ministry of Home Affairs in the Government of India;

Provided that where the Vice-Chancellor possessing qualifications in the Indian System of Medicine is not available, a Dean or a Head of Faculty possessing qualifications in the Indian System of Medicine shall be nominated;

(d) one member to represent each State and each Union territory from amongst elected members of the State Medical Council of Indian System of Medicine, to be nominated by that State Medical Council;

Constitution
and
composition
of Advisory
Council for
Indian System
of Medicine.

- (e) the Chairman, University Grants Commission;
- (f) the Director, National Assessment and Accreditation Council;
- (g) four Members to be nominated by the Central Government from amongst persons holding the post of Director in the Indian Institutes of Technology, Indian Institutes of Management and the Indian Institutes of Science.

Functions of
Advisory
Council for
Indian System
of Medicine.

12. (1) The Council shall be the primary platform through which the States and Union territories may put forth their views and concerns before the Commission and help in shaping the overall agenda, policy and action relating to medical education, training, research and development.

(2) The Council shall advise the Commission on measures to determine and maintain, and to coordinate maintenance of, the minimum standards in all matters relating to medical education, training, research and development.

(3) The Council shall advise the Commission on measures to enhance equitable access to medical education.

13. (1) The Council shall meet atleast twice a year at such time and place as may be decided by the Chairperson.

(2) The Chairperson shall preside at the meeting of the Council and if for any reason the Chairperson is unable to attend a meeting of the Council, such other member as nominated by the Chairperson shall preside over the meeting.

(3) Unless the procedure is otherwise provided by regulations, one-half of the members of the Council including the Chairperson shall form the quorum and all acts of the Council shall be decided by a majority of the members present and voting.

CHAPTER IV

NATIONAL EXAMINATION

National
Eligibility-
cum-Entrance
Test.

14. (1) There shall be a uniform National Eligibility-cum-Entrance Test for admission to the undergraduate courses in each of the disciplines of the Indian System of Medicine in all medical institutions governed under this Act:

Provided that National Eligibility-cum-Entrance Test shall be exempted for students who have taken admission in—

- (i) Pre-tib for Bachelor of Unani Medicine and Surgery; and
- (ii) Pre-Ayurveda for Bachelor of Ayurvedic Medicine and Surgery.

(2) The Commission shall conduct the National Eligibility-cum-Entrance Test in English and in such other languages, through such designated authority and in such manner, as may be specified by regulations.

(3) The Commission shall specify by regulations the manner of conducting common counselling by the designated authority for admission to all the medical institutions governed under this Act:

Provided that the common counselling shall be conducted by the designated authority of—

- (i) the Central Government, for All India seats; and
- (ii) the State Government, for the remaining seats at the State level.

(4) The Commission shall specify by regulations the manner of admission of students to undergraduate courses who are exempted under sub-section (1).

National Exit
Test.

15. (1) A common final year undergraduate medical examination, to be known as the National Exit Test, shall be held for granting licence to practice as medical practitioner of respective disciplines of Indian System of Medicine and for enrollment in the State Register or National Register, as the case may be.

(2) The Commission shall conduct the National Exit Test for Indian System of Medicine in English and in such other languages, through such designated authority and in such manner as may be specified by regulations.

(3) The National Exit Test shall become operational on such date, within three years from the date on which this Act comes into force, as may be appointed by the Central Government, by notification.

(4) Any person with a foreign medical qualification shall have to qualify national Exit Test for the purpose of obtaining licence to practice as medical practitioner of Indian System of Medicine and for enrollment in the State Register or the National Register, as the case may be, in such manner as may be specified by regulations.

16. (1) A uniform Post-Graduate National Entrance Test shall be conducted separately for admission to postgraduate courses in each discipline of the Indian System of Medicine in all medical institutions governed under this Act.

Post-Graduate
National
Entrance Test.

(2) The Commission shall conduct the National Entrance Test for admission to postgraduate courses in English and in such other languages, through such designated authority and in such manner, as may be specified by regulations.

(3) The Commission shall specify by regulations the manner of conducting common counselling by the designated authority for admission to the postgraduate seats in all medical institutions governed under this Act.

17. (1) A National Teachers' Eligibility Test shall be conducted separately for the postgraduates of each discipline of Indian System of Medicine who desire to take up teaching profession in that discipline.

National
Teachers'
Eligibility Test
for Indian
System of
Medicine.

(2) The Commission shall conduct the National Teachers' Eligibility Test for Indian System of Medicine through such designated authority and in such manner as may be specified by regulations.

(3) The National Teachers' Eligibility Test for Indian System of Medicine shall become operational on such date, within three years from the date on which this Act comes into force, as may be notified by the Central Government:

Provided that nothing contained in this section shall apply to the teachers appointed prior to the date notified under sub-section (3).

CHAPTER V

AUTONOMOUS BOARDS

18. (1) The Central Government shall, by notification, constitute the following Autonomous Boards, under the overall supervision of the Commission, to perform the functions assigned to such Boards under this Act, namely:—

Constitution
of
Autonomous
Boards.

- (a) the Board of Ayurveda;
- (b) the Board of Unani, Siddha and Sowa-Rigpa;
- (c) the Medical Assessment and Rating Board for Indian System of Medicine; and
- (d) the Board of Ethics and Registration for Indian System of Medicine.

(2) Each Board referred to in sub-section (1) shall be an autonomous body which shall carry out its functions under this Act in accordance with the regulations made by the Commission.

19. (1) The composition of the Autonomous Boards shall be as under, namely:—

Composition
of
Autonomous
Boards.

- (a) the Board of Ayurveda shall consist of a President and four Members from the Ayurveda discipline of Indian System of Medicine;
- (b) the Board of Unani, Siddha and Sowa-Rigpa shall consist of a President and two Members from each of the Unani, Siddha and Sowa-Rigpa disciplines of Indian System of Medicine;
- (c) the Medical Assessment and Rating Board for Indian System of Medicine shall consist of a President and eight Members:

Provided that the President and six out of eight Members shall be chosen from the Ayurveda, Siddha, Sowa-Rigpa and Unani disciplines of Indian System of Medicine in such manner that at least one Member represents each such discipline separately, and the remaining two Members shall be accreditation experts;

(d) the Board of Ethics and Registration for Indian System of Medicine shall consist of a President and eight Members:

Provided that the President and six out of eight Members shall be chosen from the Ayurveda, Siddha, Sowa-Rigpa and Unani disciplines of Indian System of Medicine in such manner that at least one Member represents each such discipline separately, and the remaining two Members shall be chosen from any of the disciplines of quality assurance, public health, law or patient advocacy.

(2) The President and Members of the Autonomous Boards to be chosen under sub-section (1) shall be persons of outstanding ability, proven administrative capacity and integrity, possessing postgraduate degree in respective disciplines from a recognised University and having experience of not less than fifteen years in respective fields, out of which at least seven years shall be as a leader:

Provided that seven years as leader in the case of the President and Member from Indian System of Medicine shall be in the area of health, growth and development of education in Indian System of Medicine.

Search Committee for appointment of President and Members.

20. The Central Government shall appoint the President and Members of the Autonomous Boards on the basis of the recommendations made in accordance with the procedure specified in section 5 by the Search Committee constituted thereunder.

Term of office and conditions of service of President and Members.

21. (1) The President and Members of each Autonomous Board shall hold the office for a term not exceeding four years and shall not be eligible for any extension or re-appointment:

Provided that such person shall cease to hold office after attaining the age of seventy years.

(2) The salary and allowances payable to, and other terms and conditions of service of, the President and Members of an Autonomous Boards shall be such as may be prescribed.

(3) The provisions contained in sub-sections (3), (5), (6), (7) and (8) of section 6 relating to the terms and conditions of service of, and in section 7 relating to removal from office, the Chairperson and Members of the Commission shall also be applicable to the President and Members of the Autonomous Boards.

Advisory Committees of experts.

22. (1) Each Autonomous Board, except the Board of Ethics and Registration for Indian System of Medicine, shall be assisted by such advisory Committees of experts, as may be constituted by the Commission, for the efficient discharge of the functions of such Boards under this Act.

(2) The Board of Ethics and Registration for Indian System of Medicine shall be assisted by such ethics committees of experts, as may be constituted by the Commission, for the efficient discharge of the functions of that Boards under this Act.

Staff of Autonomous Boards.

23. The experts, professionals, officers and other employees appointed under section 8 shall be made available to the Autonomous Boards in such number and in such manner, as may be specified by regulations made by the Commission.

Meetings, etc., of Autonomous Boards.

24. (1) Every Autonomous Board shall meet at least once a month at such time and place as it may appoint.

(2) Subject to such regulations as may be made in this behalf, all decisions of the Autonomous Boards shall be made by consensus and if consensus is not possible, decision shall be made by majority of votes of the President and Members.

(3) A person who is aggrieved by any decision of an Autonomous Board may prefer an appeal to the Commission against such decision within thirty days of the communication of such decision.

Delegation of powers.

25. (1) The Commission may delegate all or any of its administrative and financial powers to the President of each Autonomous Board to enable such Board to function smoothly and efficiently.

(2) The President of an Autonomous Board may further delegate any of his powers to a Member or officer of that Board.

26. (1) The Board of Ayurveda, in respect of the discipline of Ayurveda, and the Board of Unani, Siddha and Sowa-Rigpa, in respect of the disciplines of Unani, Siddha and Sowa-Rigpa, of the Indian System of Medicine, shall perform the following functions in respect of their respective disciplines, namely:—

Powers and functions of Autonomous Boards.

(a) determine the standards of education at the undergraduate, postgraduate and super-speciality levels and oversee all aspects relating thereto;

(b) develop a competency based dynamic curriculum at all levels in accordance with the regulations made under this Act, in such manner that it develops appropriate skill, knowledge, attitude, values and ethics among the postgraduate and super-speciality students and enables them to provide healthcare, to impart medical education and to conduct medical research;

(c) frame guidelines on setting up of medical institutions for imparting undergraduate, postgraduate and super-speciality courses in Ayurveda, Unani, Siddha and Sowa-Rigpa, having regard to the needs of the country, the global norms and the regulations made under this Act;

(d) determine minimum requirements and standards for conducting of courses and examinations in medical institutions, having regard to the needs of creativity at local levels and the regulations made under this Act;

(e) determine standards and norms for infrastructure, faculty and quality of education and research in medical institutions of Indian System of Medicine, in accordance with the regulations made under this Act;

(f) specify norms for compulsory annual disclosure, electronically or otherwise, by medical institutions of Indian System of Medicine in respect of their functions that has a bearing on the interest of various stakeholders including students, faculty, the Commission and the Government;

(g) facilitate development and training of faculty members;

(h) facilitate research programmes;

(i) grant recognition to medical qualifications at all levels.

(2) The Board of Ayurveda and the Board of Unani, Siddha and Sowa-Rigpa may, in the discharge of their functions, make such recommendations to, and seek such directions from, the Commission, as it deems necessary.

27. (1) The Board of Ethics and Registration for Indian System of Medicine shall perform the following functions, namely:—

Powers and functions of Board of Ethics and Registration for Indian System of Medicine.

(a) maintain a National Register of all licensed practitioners of Indian System of Medicine in accordance with the provisions of section 32;

(b) regulate professional conduct and promote medical ethics in accordance with the regulations made under this Act;

Provided that the Board of Ethics and Registration for Indian System of Medicine shall ensure compliance with the code of professional and ethical conduct through the State Medical Council, in a case where such State Medical Council has been conferred power to take disciplinary actions in respect of professional or ethical misconduct by medical practitioners under respective State Acts;

(c) develop mechanisms to have continuous interaction with State Medical Councils of Indian System of Medicine to effectively promote and regulate the conduct of medical practitioners of Indian System of Medicine;

(d) exercise appellate jurisdiction with respect to the actions taken by a State Medical Council under section 31.

(2) The Board of Ethics and Registration for Indian System of Medicine may, in the discharge of its functions, make such recommendations to, and seek such directions from, the Commission, as it deems necessary.

Powers and
functions of
Medical
Assessment
and Rating
Board for
Indian System
of Medicine.

28. (1) The Medical Assessment and Rating Board for Indian System of Medicine shall perform the following functions, namely:—

(a) determine the procedure for assessment and rating of medical institutions on the basis of their compliance with the standards laid down by the Board of Ayurveda or, as the case may be, the Board of Unani, Siddha and Sowa-Rigpa, in accordance with the regulations made under this Act;

(b) grant permission for establishment of a new medical institution or to start any postgraduate course or to increase number of seats, in accordance with the provisions of section 29;

(c) carry out inspections of medical institutions for assessing and rating such institutions in accordance with the regulations made under this Act:

Provided that the Medical Assessment and Rating Board for Indian System of Medicine may, if it deems necessary, hire and authorise any other third party agency or persons for carrying out inspections of medical institutions for assessing and rating such institutions:

Provided further that where inspection of medical institutions is carried out by such third party agency or persons authorised by the Medical Assessment and Rating Board for Indian System of Medicine, it shall be obligatory on such institutions to provide access to such agency or person;

(d) conduct, or where it deems necessary, empanel independent rating agencies to conduct, assess and rate all medical institutions, within such period of their opening, and every year thereafter, at such time, and in such manner, as may be specified by regulations;

(e) make available on its website or in public domain, the assessment and ratings of medical institutions at regular intervals, in accordance with the regulations made under this Act;

(f) take such measures, including issuing warning, imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the Commission for withdrawal of recognition, against a medical institution for its failure to maintain the minimum essential standards specified by the Board of Ayurveda or, as the case may be, the Board of Unani, Siddha and Sowa-Rigpa, in accordance with the regulations made under this Act.

(2) The Medical Assessment and Rating Board for Indian System of Medicine may, in the discharge of its functions, make such recommendations to, and seek such directions from, the Commission, as it deems necessary.

Permission for
establishment
of new
medical
institution.

29. (1) No person shall establish a new medical institution or start any postgraduate course or increase number of seats without obtaining prior permission of the Medical Assessment and Rating Board for Indian System of Medicine.

Explanation.— For the purpose of this sub-section, the term “person” includes any University, trust or any other body, but does not include the Central Government.

(2) For the purpose of obtaining permission under sub-section (1), a person may submit a scheme to the Medical Assessment and Rating Board for Indian System of Medicine in such form, containing such particulars, accompanied by such fee, and in such manner, as may be specified by regulations.

(3) While considering the scheme received under sub-section (2), the Medical Assessment and Rating Board for Indian System of Medicine shall have regard to the standards of education and research, the standards and norms for infrastructure and faculty, the guidelines on setting up of medical institutions and other requirements determined by

the Board of Ayurveda or, as the case may be, the Board of Unani, Siddha and Sowa-Rigpa under section 26, and pass an order either approving or disapproving the scheme within three months from the date of receipt of such scheme:

Provided that before disapproving such scheme, an opportunity to rectify the defects, if any, shall be given to the person concerned.

(4) Where a scheme is approved under sub-section (3), such approval shall be the permission under sub-section (1) to establish a new medical institution.

(5) Where a scheme is disapproved under sub-section (3), or where no order is passed within three months of submitting a scheme under sub-section (2), the person concerned may prefer an appeal to the Commission within fifteen days of such disapproval or, as the case may be, after lapse of three months, in such manner as may be specified by regulations.

(6) Where the Commission has disapproved the scheme or no order has been passed within fifteen days from the date of preferring appeal under sub-section (5), the person concerned may prefer a second appeal to the Central Government within seven days of communication of such disapproval or, as the case may be, lapse of specified period of fifteen days.

(7) The Medical Assessment and Rating Board for Indian System of Medicine may conduct evaluation and assessment of any University or medical institution at any time, either directly or through any other expert, having integrity and experience in medical profession, without any prior notice and assess and evaluate the performance, standards and benchmarks of such University or medical institution.

30. While approving or disapproving a scheme under section 29, the Medical Assessment and Rating Board for Indian System of Medicine, or the Commission, as the case may be, shall take into consideration the following criteria, namely:—

Criteria for
approving or
disapproving
scheme.

(a) adequacy of infrastructure and financial resources;

(b) whether adequate academic faculty, non-teaching staff, and other necessary facilities have been provided to ensure proper functioning of medical institution or would be provided within the time-limit specified in the scheme;

(c) whether adequate hospital facilities have been provided or would be provided within the time-limit specified in the scheme;

(d) such other factors as may be prescribed:

Provided that, subject to the previous approval of the Central Government, the criteria may be relaxed for the medical institutions which are set up in such areas as may be specified by the regulations.

31. (1) The State Government shall, by notification, within three years of the commencement of this Act, establish a State Medical Council for Indian System of Medicine in that State if no such Council exists in that State.

State Medical
Council.

(2) Where a State Act confers power upon the State Medical Council to take disciplinary actions in respect of any professional or ethical misconduct by a registered practitioner of Indian System of Medicine, the State Medical Council shall act in accordance with the regulations made, and the guidelines framed, under this Act:

Provided that till such time as a State Medical Council for Indian System of Medicine is established in a State, the Board of Ethics and Registration for Indian System of Medicine shall receive the complaints and grievances relating to any professional or ethical misconduct against a registered practitioner of Indian System of Medicine in that State in accordance with such procedure as may be specified by regulations:

Provided further that the Board of Ethics and Registration for Indian System of Medicine or, as the case may be, the State Medical Council shall give an opportunity of hearing to such practitioner before passing any order or taking any action, including imposition of any monetary penalty, against such person.

(3) A practitioner of Indian System of Medicine who is aggrieved by the order passed or the action taken by—

(a) the State Medical Council under sub-section (2) may prefer an appeal to the Board of Ethics and Registration for Indian System of Medicine and the decision, if any, of the Board of Ethics and Registration for Indian System of Medicine thereupon shall be binding on such State Medical Council, unless a second appeal is preferred under sub-section (4);

(b) the Board of Ethics and Registration for Indian System of Medicine under the first proviso to sub-section (2) may prefer an appeal to the Commission.

(4) A medical practitioner of Indian system of medicine who is aggrieved by the decision of the Board of Ethics and Registration for Indian System of Medicine, may prefer an appeal to the Commission within sixty days of communication of such decision.

*Explanation.—*For the purposes of this Act,—

(a) “State” includes Union territory and the expressions “State Government” and “State Medical Council for Indian System of Medicine”, in relation to a Union territory, shall respectively mean the “Central Government” and “Union Territory Medical Council for Indian System of Medicine”;

(b) the expression “professional or ethical misconduct” includes any act of commission or omission, as may be specified by regulations.

32. (1) The Board of Ethics and Registration for Indian System of Medicine shall maintain a National Register containing the name, address, all recognised qualifications possessed by a licensed medical practitioner of the Indian System of Medicine and such other particulars as may be specified by regulations.

(2) The National Register shall be maintained in such form, including in electronic form and in such manner as may be specified by regulations.

(3) The manner in which any name or qualification may be added to, or removed from, the National Register and the grounds for removal thereof, shall be such as may be specified by the regulations.

(4) The National Register shall be made available to the public by placing it on the website of the Board of Ethics and Registration for Indian System of Medicine.

(5) Every State Medical Council shall maintain and regularly update the State Register in the specified electronic format and supply a physical copy of the same to the Board of Ethics and Registration for Indian System of Medicine within three months of the commencement of this Act.

(6) The Board of Ethics and Registration for Indian System of Medicine shall ensure electronic synchronization of the National Register and the State Register in such a manner that any change in one such register is automatically reflected in the other register.

33. (1) Any person who has a recognised qualification in Indian System of Medicine under this Act and qualifies the National Exit Test held under section 15 shall be granted a licence to practice Indian System of Medicine and shall have his name and qualifications enrolled first in the State Register and subsequently in the National Register maintained under this Act:

Provided that a person who has been registered in the Central Register of Indian System of Medicine maintained under the Indian Medicine Central Council Act, 1970 prior to the coming into force of this Act and before the National Exit Test becomes operational under sub-section (3) of section 15, shall be deemed to have been registered under this Act and be enrolled in the National Register maintained under this Act.

(2) No person who has obtained a qualification in Indian System of Medicine from a medical institution established in any country outside India and is recognised as a medical practitioner of Indian System of Medicine in that country, shall, after the commencement of

National
Register and
State Register
of Indian
System of
Medicine.

Rights of
persons to be
enrolled in
National
Register and
their
obligations
thereto.

this Act and the National Exit Test for Indian System of Medicine becomes operational under sub-section (3) of section 15, be enrolled in the National Register for Indian System of Medicine, unless he qualifies the National Exit Test for Indian System of Medicine.

(3) When a person whose name is entered in the State Register or the National Register, as the case may be, obtains any title, diploma or qualification for proficiency in sciences or medicine which is a recognised qualification under section 35 or section 36, as the case may be, he shall be entitled to have such title, diploma or qualification entered against his name in the State Register or the National Register, in such manner as may be specified by regulations.

34. (1) No person other than a person who is enrolled in the State Register or the National Register, as the case may be, shall—

Rights of persons to practice.

(a) be allowed to practice Indian System of Medicine as a qualified practitioner;

(b) hold office as a physician or surgeon or any other office, by whatever name called, which is meant to be held by a physician or surgeon, as the case may be;

(c) be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner;

(d) be entitled to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to Indian System of Medicine:

1 of 1872.

Provided that the Commission shall submit a list of such practitioners to the Central Government in such manner as may be prescribed:

Provided further that a foreign citizen who is enrolled in his country as a practitioner of Indian System of Medicine in accordance with the law regulating the registration of such practitioners in that country may be permitted temporary registration in India for such period and in such manner as may be specified by regulations.

(2) Any person who acts in contravention of the provisions of this section shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five lakh rupees, or with both.

(3) Nothing contained in this section shall affect—

(a) the right of a person enrolled in a State Register as practitioner of Indian System of Medicine to practice in any State merely on the ground that he does not possess, as on the date of commencement of this Act, a recognised medical qualification in the Indian System of Medicine;

(b) the privileges, including the right to practice any system of medicine, conferred by or under any law for the time being in force in a State on the practitioners of Indian System of Medicine enrolled in the State register of that State;

(c) the right of a person who has been practicing Indian System of Medicine for not less than five years in a State, to continue to practice in that State in which a State Register of Indian System of Medicine is not maintained as on the date of commencement of this Act.

CHAPTER VI

RECOGNITION OF QUALIFICATIONS OF INDIAN SYSTEM OF MEDICINE

35. (1) The medical qualifications in Indian System of Medicine at undergraduate or postgraduate or super-speciality level granted by any University or medical institution in India shall be listed and maintained by the Board of Ayurveda or the Board of Unani, Siddha and Sowa-Rigpa, as the case may be, in such manner as may be specified by regulations and such medical qualification shall be a recognised medical qualification for the purposes of this Act.

Recognition of qualifications granted by Universities or medical institutions in India.

(2) Any University or medical institution in India which grants an undergraduate or postgraduate or super-speciality qualification in Indian System of Medicine not included in the list maintained by the Board of Ayurveda or the Board of Unani, Siddha and Sowa-Rigpa, as the case may be, may apply to that Board for granting recognition to such qualification.

(3) The Board of Ayurveda or the Board of Unani, Siddha and Sowa-Rigpa, as the case may be, shall examine the application for grant of recognition to a qualification in Indian System of Medicine within a period of six months in such manner as may be specified by regulations.

(4) Where the Board of Ayurveda or the Board of Unani, Siddha and Sowa-Rigpa, as the case may be, decides to grant recognition to the qualification in Indian System of Medicine, it shall include such qualification in the list maintained by it and shall also specify therein the date of effect of such recognition, otherwise it shall communicate its decision not to grant recognition to the medical qualification to the concerned University or medical institution.

(5) The aggrieved University or the medical institution may prefer an appeal to the Commission within a period of sixty days from the date of communication of the decision of the Board of Ayurveda or the Board of Unani, Siddha and Sowa-Rigpa, as the case may be, in such manner as may be specified by regulations.

(6) The Commission shall examine the appeal received under sub-section (5) within a period of two months and if it decides that recognition may be granted to such medical qualification, it may direct the concerned Board to include such qualification in the list maintained by that Board in such manner as may be specified by regulations.

(7) Where the Commission decides not to grant recognition under sub-section (6) or fails to decide within the specified period, the aggrieved University or medical institution may prefer a second appeal to the Central Government within a period of thirty days from the date of communication of such decision or lapse of specified period, as the case may be.

(8) All medical qualifications which have been recognised before the date of commencement of this Act and are included in the Second Schedule and Third Schedule to the Indian Medicine Central Council Act, 1970, shall also be listed and maintained by the Board of Ayurveda or the Board of Unani, Siddha and Sowa-Rigpa, as the case may be, in such manner as may be specified by regulations.

48 of 1970.

Recognition
of medical
qualifications
granted by
medical
institutions
outside India.

36. (1) Where an authority in any country outside India which, by the law of that country is entrusted with the recognition of qualifications of Indian System of Medicine in that country, makes an application to the Commission for granting recognition to such qualification in India, the Commission may, subject to such verification as it deems necessary, either grant or refuse to grant recognition to that medical qualification.

(2) Where the Commission grants recognition to any medical qualification under sub-section (1), such qualification shall be a recognised qualification for the purposes of this Act and shall be included in the list maintained by the Commission in such manner as may be specified:

Provided that in case the Commission decides not to grant recognition to any qualification, the Commission shall give a reasonable opportunity of being heard to such authority before refusing to grant such recognition.

(3) Where the Commission refuses to grant recognition to a medical qualification under sub-section (2), the Authority concerned may prefer an appeal to the Central Government for grant of recognition.

(4) All qualifications which have been recognised before the date of commencement of this Act and are included in the Fourth Schedule to the Indian Medicine Central Council Act, 1970 shall also be recognised medical qualifications for the purposes of this Act and shall be listed and maintained by the Commission in such manner as may be specified by the regulations.

48 of 1970.

Withdrawal of
recognition or
de-recognition
of
qualification.

37. (1) Where, upon a report received from the Medical Assessment and Rating Board for Indian System of Medicine or otherwise, it appears to the Commission that—

(a) the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by, a University or medical institution do not conform to the standards specified by the Board of Ayurveda or the Board of Unani, Siddha and Sowa-Rigpa, as the case may be; or

(b) the standards and norms for infrastructure, faculty and quality of education in medical institutions as determined by the Board of Ayurveda or the Board of Unani, Siddha and Sowa-Rigpa, as the case may be, are not adhered to by any University or medical institution, and such University or medical institution has failed to take necessary corrective action to maintain specified minimum standards,

the Commission may initiate action in accordance with the provisions of sub-section (2):

Provided that the Commission shall, before, taking any action for *suo motu* withdrawal of recognition granted to the medical qualification awarded by a University or medical institution, impose penalty in accordance with the provisions of clause (f) of sub-section (l) of section 28.

(2) The Commission shall, after making such further inquiry as it deems fit, and after holding consultations with the State Government and the authority of the concerned University or medical institution, comes to the conclusion that the recognition granted to a medical qualification ought to be withdrawn, it may, by order, withdraw recognition granted to such medical qualification and direct the Board of Ayurveda or the Board of Unani, Siddha and Sowa-Rigpa, as the case may be, to amend the entries against the University or medical institution concerned in the list maintained by that Board to the effect that the recognition granted to such qualification is withdrawn with effect from the date specified in that order.

(3) If the Commission, after verification with the authority in any country outside India, is of the opinion that a recognised medical qualification which is included in the list maintained by it is to be de-recognised, it may, by order, de-recognise such medical qualification and remove it from the list maintained by the Commission with effect from the date of such order.

38. Where the Commission deems it necessary so to do, it may, by notification, direct that any qualification in Indian System of Medicine granted by a medical institution outside India, after such date, as may be specified in that notification, shall be recognised qualification for the purposes of this Act:

Provided that medical practice by a person possessing such qualification shall be permitted only if such person has been enrolled as a medical practitioner in accordance with the law regulating the registration of medical practitioner for the time being in force in that country:

Provided further that medical practice by a person possessing such qualification shall be limited to such period as may be specified in that order:

Provided also that medical practice by a person possessing such qualification shall be permitted only if such person qualifies National Exit Test.

Special provision in certain cases for recognition of qualifications.

CHAPTER VII

GRANTS, AUDIT AND ACCOUNTS

39. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Commission grants of such sums of money as the Central Government may think fit.

Grants by Central Government.

40. (1) There shall be constituted a fund to be called "the National Commission Fund for Indian System of Medicine" and there shall be credited thereto—

National Commission Fund for Indian System of Medicine.

(a) all Government grants, fees, penalties and charges received by the Commission and the Autonomous Boards;

(b) all sums received by the Commission from such other source as may be decided by it.

(2) The fund shall be applied for making payment towards—

(a) the salaries and allowances payable to the Chairperson and Members of the Commission, the Presidents and Members of the Autonomous Boards and the administrative expenses including the salaries and allowances payable to the officers and other employees of the Commission and Autonomous Boards;

(b) the expenses incurred or to be incurred in carrying out the provisions of this Act including in connection with the discharge of the functions of the Commission and the Autonomous Boards.

Audit and accounts.

41. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other persons appointed by him in connection with the audit of the accounts of the Commission shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of, and complete access to, records, books, accounts, connected vouchers and other documents and papers and to inspect the office of the Commission.

(4) The accounts of the Commission as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually by the Commission to the Central Government which shall cause the same to be laid, as soon as may be after it is received, before each House of Parliament.

Furnishing of returns and reports to Central Government.

42. (1) The Commission shall furnish to the Central Government, at such time, in such form and in such manner, as may be prescribed or as the Central Government may direct, such reports and statements and such particulars in regard to any matter under the jurisdiction of the Commission, as the Central Government may, from time to time, require.

(2) The Commission shall prepare, once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.

(3) A copy of the report received under sub-section (2) shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.

CHAPTER VIII

MISCELLANEOUS

Power of Central Government to give directions to Commission and Autonomous Boards.

43. (1) Without prejudice to the foregoing provisions of this Act, the Commission and the Autonomous Boards shall, in exercise of their powers and discharge of their functions under this Act be bound by such directions on questions of policy as the Central Government may give in writing to them from time to time:

Provided that the Commission and the Autonomous Boards shall, as far as practicable, be given an opportunity to express their views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

Power of Central Government to give directions to State Governments.

44. The Central Government may give such directions, as it may deem necessary, to a State Government for carrying out all or any of the provisions of this Act and the State Government shall comply with such directions.

Information to be furnished by Commission and publication thereof.

45. (1) The Commission shall furnish such reports, copies of its minutes, abstracts of its accounts and other information to the Central Government as that Government may require.

(2) The Central Government may publish, in such manner as it may think fit, the reports, minutes, abstracts of accounts and other information furnished to it under sub-section (1).

46. Every university and medical institutions covered under this Act shall maintain a website at all times and display in its website all such information as may be required by the Commission or an Autonomous Board, as the case may be.

Obligation of Universities and medical institutions.

47. (1) Notwithstanding anything contained in this Act, any student who was studying for a degree or diploma in any medical institution immediately before the commencement of this Act shall continue to so study and complete his course for such degree or diploma, and such institution shall continue to provide instructions and hold examination for such student in accordance with the syllabus and studies as existed before such commencement, and such student shall be deemed to have completed his course of study under this Act and shall be awarded degree or diploma under this Act.

Completion of courses of studies in medical institutions.

(2) Notwithstanding anything contained in this Act, where recognition granted to a medical institution has lapsed, whether by efflux of time or by its voluntary surrender or for any other reason whatsoever, such medical institution shall continue to maintain and provide the minimum standards as approved by the Commission till such time as all the candidates are able to complete their study in that institution.

48. The Chairperson, Members, officers and other employees of the Commission and the President and Members of Autonomous Boards shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson, Members, officers of Commission and of Autonomous Boards to be public servants.

Protection of action taken in good faith.

45 of 1860.

49. No suit, prosecution or other legal proceeding shall lie against the Government, the Commission or any Autonomous Board or a State Medical Council or any Committee thereof, or any officer or other employee of the Government or of the Commission acting under this Act for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Cognizance of offences.

50. No Court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made in this behalf by an officer authorised by the Commission or the Ethics and Registration Board or a State Medical Council for Indian System of Medicine, as the case may be.

Power of Central Government to supersede Commission.

51. (1) If, at any time, the Central Government is of opinion that—

(a) the Commission is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) the Commission has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act,

the Central Government may, by notification, supersede the Commission for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section, the Central Government shall give a reasonable opportunity to the Commission to show cause as to why it should not be superseded and shall consider the explanations and objections, if any, of the Commission.

(2) Upon the publication of a notification under sub-section (1) superseding the Commission,—

(a) all the Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Commission, shall until the Commission is re-constituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct;

(c) all property owned or controlled by the Commission shall, until the Commission is re-constituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified by the notification issued under sub-section (1), the Central Government may,—

(a) extend the period of supersession for such further term not exceeding six months, as it may consider necessary; or

(b) re-constitute the Commission by fresh appointment and in such case the Members who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before both Houses of Parliament at the earliest opportunity.

Joint sittings of Commission, National Commission for Homoeopathy and National Medical Commission.

52. (1) There shall be a joint sitting of the Commission, the National Commission for Homoeopathy, and the National Medical Commission, at least once a year, at such time and place as they mutually appoint, to enhance the interface between Indian System of Medicine, Homoeopathy and modern system of medicine.

(2) The Agenda for the joint sitting may be placed with mutual agreement by the Chairpersons of the Commissions concerned.

(3) The joint sitting may, by an affirmative vote of all members present and voting, decide on approving specific educational and medical modules or programme that could be introduced in the under-graduate and post-graduate courses across medical systems, and promote medical pluralism.

State Government to promote public health.

53. Every State Government may, for the purposes of addressing or promoting public health, take necessary measures to enhance the capacity of the healthcare professionals.

Power to make rules.

54. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of appointing six Members of the Commission on rotational basis from amongst the nominees of the States and Union territories in the Advisory Council under clause (b) of sub-section (4) of section 4;

(b) the manner of appointing members under clause (c) of sub-section (4) of section 4;

(c) the manner of nominating one expert by the Central Government under clause (d) of sub-section (1) of section 5;

(d) the salary and allowances payable to, and other terms and conditions of service of, the Chairperson and Members under sub-section (4) of section 6;

(e) the form and the manner of making declaration under sub-section (6) of section 6;

- (f) the qualifications and experience to be possessed by Secretary under sub-section (2) of section 8;
- (g) the salaries and allowances payable to, and other terms and conditions of the Secretary, officers and other employees of the Commission under sub-section (6) of section 8;
- (h) the other powers to be exercised and other functions to be performed by the Commission under clause (i) of sub-section (1) of section 10;
- (i) the salary and allowances payable to, and other terms and conditions of service of, the President and Members of an Autonomous Board under sub-section (2) of section 21;
- (j) the other factors under clause (d) of section 30.
- (k) the manner of submitting a list of practitioners under the second proviso to sub-section (1) of section 34;
- (l) the form for preparing annual statement of accounts under sub-section (1) of section 41;
- (m) the time within which, and the form and the manner in which, the reports and statements shall be furnished by the Commission and the particulars with regard to any matter as may be required by the Central Government under sub-section (1) of section 42;
- (n) the form and the time for preparing annual report under sub-section (2) of section 42;
- (o) the compensation for the premature termination of employment under the second proviso to sub-section (3) of section 58;
- (p) any other matter in respect of which provision is to be made by rules.

55. (1) The Commission may, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

Power to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the functions to be discharged by the Secretary of the Commission under sub-section (4) of section 8;
- (b) the procedure in accordance with which experts and professionals may be engaged and the number of such experts and professionals under sub-section (7) of section 8;
- (c) the procedure to be followed at the meetings of Commission, including the quorum at its meetings under sub-section (3) of section 9;
- (d) the quality and standards to be maintained in education of Indian System of Medicine under clause (a) of sub-section (1) of section 10;
- (e) the manner of regulating medical institutions, medical researches and medical professionals under clause (b) of sub-section (1) of section 10;
- (f) the manner of functioning of the Commission, the Autonomous Boards and the State Medical Councils under clause (d) of sub-section (1) of section 10;
- (g) the procedure to be followed at the meetings of the Medical Advisory Council, including the quorum at its meetings under sub-section (3) of section 13;
- (h) the other languages in which, the designated authority through which, and the manner in which the National Eligibility-cum-Entrance Test shall be conducted under sub-section (2) of section 14;

- (i) the manner of conducting common counselling by the designated authority for admission to medical institutions under sub-section (3) of section 14;
- (j) the manner of admission of students to undergraduate courses under sub-section (4) of section 14;
- (k) the other languages in which, the designated authority through which, and the manner in which, the National Exit Test shall be conducted under sub-section (2) of section 15;
- (l) the manner in which a person with foreign medical qualification shall qualify National Exit Test under sub-section (4) of section 15;
- (m) the other languages in which, the designated authority through which, and the manner in which admission to postgraduate courses shall be conducted under sub-section (2) of section 16;
- (n) the manner of conducting common counselling by the designated authority for admission to the postgraduate seats in all medical institutions under sub-section (3) of section 16;
- (o) the manner of conducting the National Teachers' Eligibility Test for Indian System of Medicine and the designated authority through whom such test shall be conducted under sub-section (2) of section 17;
- (p) the number of, and the manner in which, experts, professionals, officers and other employees shall be made available by the Commission to the Autonomous Boards under section 23;
- (q) the manner in which decisions of the Autonomous Boards shall be made under sub-section (2) of section 24;
- (r) the competency based dynamic curriculum at all levels under clause (b) of sub-section (1) of section 26;
- (s) the manner of imparting undergraduate, postgraduate and super-speciality courses in Ayurveda, Unani, Siddha and Sowa-Rigpa under clause (c) of sub-section (1) of section 26;
- (t) the minimum requirements and standards for conducting courses and examinations in medical institutions under clause (d) of sub-section (1) of section 26;
- (u) the standards and norms for infrastructure, faculty and quality of education and research in medical institutions of Indian System of Medicine under clause (e) of sub-section (1) of section 26;
- (v) the manner of regulating professional conduct and promoting medical ethics under clause (b) of sub-section (1) of section 27;
- (w) the procedure for assessment and rating of the medical institutions under clause (a) of sub-section (1) of section 28;
- (x) the manner of carrying out inspections of medical institutions for assessing and rating under clause (c) of sub-section (1) of section 28;
- (y) the manner of conducting, and the manner of empanelling independent rating agencies to conduct, assess and rate all medical institutions under clause (d) of sub-section (1) of section 28;
- (z) the manner of making available on website or in public domain the assessment and ratings of medical institutions under clause (e) of sub-section (1) of section 28;
- (za) the measures to be taken against a medical institution for failure to maintain the minimum essential standards under clause (f) of sub-section (1) of section 28;

- (zb) the form of scheme, the particulars thereof, the fee to be accompanied and the manner of submitting scheme for establishing new medical college under sub-section (2) of section 29;
- (zc) the manner of preferring an appeal to the Commission for approval of the scheme under sub-section (5) of section 29;
- (zd) the areas in respect of which criteria may be relaxed under the proviso to section 30;
- (ze) the manner of taking disciplinary action by a State Medical Council for professional or ethical misconduct of registered medical practitioner and the procedure for receiving complaints and grievances by the Board of Ethics and Registration for Indian System of Medicine, under sub-section (2) of section 31;
- (zf) the act of commission or omission which amounts to professional or ethical misconduct under clause (b) of the *Explanation* to section 31;
- (zg) other particulars to be contained in a National Register under sub-section (1) of section 32;
- (zh) the form, including the electronic form and the manner of maintaining the National Register under sub-section (2) of section 32;
- (zi) the manner in which any name or qualification may be added to, or removed from, the National Register and the grounds for removal thereof, under sub-section (3) of section 32;
- (zj) the manner of entering the title, diploma or qualification in the State Register or the National Register under sub-section (3) of section 33;
- (zk) the manner in which, and the period for which temporary registration may be permitted to a foreign citizen under the third proviso to sub-section (1) of section 34;
- (zl) the manner of listing and maintaining medical qualifications granted by a University or medical institution in India under sub-section (1) of section 35;
- (zm) the manner of examining the application for grant of recognition under sub-section (3) of section 35;
- (zn) the manner of preferring an appeal to the Commission for grant of recognition under sub-section (5) of section 35;
- (zo) the manner of including a medical qualification in the list maintained by the Board under sub-section (6) of section 35;
- (zp) the manner in which the Board of Ayurveda or the Board of Unani, Siddha and Sowa-Rigpa shall list and maintain the medical qualifications which have been granted recognition before the date of commencement of this Act, under sub-section (8) of section 35;
- (zq) the manner in which the Commission shall list and maintain the medical qualifications which have been granted recognition before the date of commencement of this Act, under sub-section (4) of section 36.

56. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and
regulations to
be laid before
Parliament.

Power to remove difficulties.

57. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary, for the removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each house of Parliament.

Repeal and saving.

58. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, the Indian Medicine Central Council Act, 1970 shall stand repealed and the Central Council of Indian Medicine constituted under section 3 of the said Act shall stand dissolved.

48 of 1970.

(2) Notwithstanding the repeal of the Act referred to in sub-section (1), it shall not affect,—

(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;

(c) any penalty incurred in respect of any contravention under the Act so repealed; or

(d) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that Act had not been repealed.

(3) On the dissolution of the Central Council of Indian Medicine, the person appointed as the Chairman of that Council and every other person appointed as the Member and any officer and other employees of the Council and holding office as such immediately before such dissolution shall vacate their respective offices and such Chairman and other Members shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of their office or of any contract of service:

Provided that any officer or other employee who has been, immediately before the dissolution of the Central Council of Indian Medicine appointed on deputation basis to the Central Council of Indian Medicine, shall, on such dissolution, stand reverted to their parent cadre, Ministry or Department, as the case may be:

Provided further that any officer, expert, professional or other employee who has been, immediately before the dissolution of the Central Council of Indian Medicine employed on regular basis or on contractual basis by the Council, shall cease to be such officer, expert, professional or other employees of the Central Council and shall be entitled to such compensation for the premature termination of his employment, which shall not be less than three months' pay and allowances, as may be prescribed.

(4) Notwithstanding the repeal of the aforesaid enactment, any order made, any licence to practice issued, any registration made, any permission to start new medical institution or to start higher course of studies or to increase in the admission capacity granted, any recognition of medical qualifications granted, under the Indian Medicine Central Council Act, 1970 which are in force as on the date of commencement of this Act shall continue to be in force till the date of their expiry for all purposes, as if they had been issued or granted under the provisions of this Act or the rules or regulations made thereunder.

48 of 1970.

Transitory provisions.

59. (1) The Commission shall be the successor in interest to the Central Council of Indian Medicine including its subsidiaries or owned trusts and all the assets and liabilities of

the Central Council of Indian Medicine shall be deemed to have been transferred to the Commission.

48 of 1970.

(2) Notwithstanding the repeal of the Indian Medicine Central Council Act, 1970, the Medical standards, requirements and other provisions of the Indian Medicine Central Council Act, 1970 and the rules and regulations made thereunder shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made thereunder:

Provided that anything done or any action taken as regards the medical standards and requirements under the enactment under repeal and the rules and regulations made thereunder shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue in force accordingly unless and until superseded by anything or by any action taken under this Act.

(3) The Central Government may take such appropriate measure as may be necessary for smooth transition of the dissolved Central Council of Indian Medicine to the corresponding to new Commission under this Act.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)
ಸಹಾಯಕ ಪ್ರಾರ್ಥಿಕರ ಮತ್ತು ಪದನೀಯಿತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದಲ್ಲಿ
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-36

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾತಾಙ್ಗ 15 ಕೇಂದ್ರಾಧಿಕಾರ 2020

ದಿನಾಂಕ: 20.01.2021. ಬೆಂಗಳೂರು, ದಿನಾಂಕ:

ದಿನಾಂಕ: 15.04.2020 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ಲಿಂಗ್‌ಪ್ರ ಸಂಚಿಕೆಯ

Part-II-Section-1 ರಲ್ಲಿ ಪ್ರಕಟಿಸಿದ THE FINANCE ACT, 2020 (NO. 12 OF 2020)ರ CORRIGENDA ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-आ.-15042020-219052
CG-DL-E-15042020-219052

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं 24] नई दिल्ली, बुधवार, अप्रैल 15, 2020/चैत्र 26, 1942 (शक)
No. 24] NEW DELHI, WEDNESDAY, APRIL 15, 2020/CHAITRA 26, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 15th April, 2020/Chaitra 26, 1942 (Saka)

CORIGENDA

THE FINANCE ACT, 2020

No. 12 OF 2020

In the FINANCE ACT, 2020 (12 OF 2020) as published in the Gazette of India, Extraordinary, Part II, Section 1, Issue No. 20 dated the 27th March, 2020,—

Page No.	Line(s) No.	For	Read
1	8	"116 to 129 and section 132"	"118 to 131 and section 134"
46	39	"program"	"programme"
63	36	"April"	"April"
64	13	"though"	"through"
64	17	"serction"	"section"

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI-110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI-110054.

MGIPMRND—04GI—15-04-2020.

ಭಾಗ ೪

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಗುರುವಾರ, ೨೫, ಜನವರಿ, ೨೦೨೧

೪೪೯

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

(ಆರ್. ಶ್ರೀನಿವಾಸ)

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